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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1892.

Published by Authority.

Lahore:
THE "CIVIL AND MILITARY GAZETTE" PRESS,
Contractors to the Punjab Government.

1893.

Proceedings of the Hon'ble the Lieutenant-Governor of the Punjab, in the Home (Judicial) Department, No 1019, dated the 12th October 1893

READ—

The Report on the Administration of Civil Justice in the Punjab during the year 1892.

Paragraph 3 of the Report

REMARKS.—The reasons given by local officers for the variations in the number of suits instituted from year to year are examined in paragraph 3 of the Report. The reason assigned for the variations in the Umballa District is that Mr. C. E. Gladstone's 'panchayat' system reduced the number of institutions in the year 1890, but resulted in an increase thereafter. The Lieutenant-Governor is unable to accept this explanation without further information. It is observed that Mr. Gladstone did not join the Umballa District till May 1890.

Paragraph 13.

2. In paragraph 13 of the Report the Judges bring to notice the heavy pending files in Umballa, Hoshiárpur and other districts. Representations have from time to time been made to Government that the staff of officers in some districts in the Punjab is insufficient, and temporary relief has where necessary been given. A Committee has recently assembled to consider the whole question of the strength of district staffs. The recommendations of the Committee are now under the consideration of Government, and orders will, it is hoped, be issued shortly.

Paragraph 20

3. Column 3 of the Statement in paragraph 20 of the Report shows a steady increase in the number of applications for restoration to the file of cases dismissed under Sections 97 and 98 of the Civil Procedure Code. These figures require watching, as it is no doubt sometimes a temptation to a dilatory officer to strike off long-pending cases in default and then to re-admit them in order to prevent 'spoiling his average' and being called upon to account for the delay in the disposal of his cases.

Paragraph 22

4. There has again been a decrease in the number of suits referred to arbitration from 1,446 in 1891 to 1,352 in 1892. The Lieutenant-Governor's views on the subject of references to arbitration were fully set forth in paragraph 4 of the Review of the Civil Justice Report for 1891

Paragraph 28.

5. It seems incredible that the figures given at the bottom of page 12 of the Report can represent the average duration of any number of cases. No explanation of these figures is given either in the Report itself or in the extracts from district and divisional reports quoted in Appendix A. It is presumed that there is some mistake. Possibly the figures represent the duration of the oldest cases pending in each Court; but if so, the information is of little value, as individual cases may have been pending for long periods owing to accidental circumstances. The Lieutenant-Governor will be obliged if the Judges of the Chief Court will cause these figures to be examined and, if necessary, call for explanations from the Courts concerned.

Paragraph 32.

6. His Honor is glad to notice the remarks of the learned Judges that great improvement has been effected in the distribution of civil business, and that land suits are now more largely tried by Assistant and Extra Assistant Commissioners and by Tahsíldárs.

7. The acknowledgments of His Honor are due to the Honorary Civil Judges, who rendered assistance in the disposal of civil business during the past year, and especially to Mián Máhbúb, Mián Saifullah Khán, Sardár Diál Singh, and the other gentlemen who are mentioned in paragraph 33 of the Report.

Paragraph 33.

8. It appears from paragraph 40 and from Statement VI that there were no less than 56,346 applications on which process was issued, but not executed, and that in 45,125 cases property was attached, but subsequently released. These figures seem to show that in the great majority of cases the mere threat to attach or the actual attachment of property is sufficient to make the debtor come to terms, and accordingly we find that out of the total amount of Rs. 41,62,025 realized in execution of money decrees, Rs. 32,07,531 were realized without resorting to harsher measures than the mere attachment of property.

Paragraphs 40 and 41.

9. The figures given in paragraphs 44 and 45 of the Report show that all the applications for a declaration of insolvency, with the exception of an altogether insignificant fraction, proceed from judgment-debtors seeking to have themselves declared insolvent, and that nearly three-fourths of such applications come to nothing, being either abandoned or rejected

Paragraphs 44 and 45

10. In paragraph 10 of the Review of the Civil Justice Report for 1891 Sir Dennis Fitzpatrick remarked that the experiment of investing selected Munsifs with Small Cause Court powers in certain areas would have to be carefully watched and great discrimination observed in selecting officers for the exercise of such powers. The learned Judges now state that the reports on the working of these officers during 1892 are not perhaps so favourable as those received in the previous year. The system is one that requires close attention, and His Honor trusts that the learned Judges will continue to watch it carefully.

Paragraph 49.

11. The Lieutenant-Governor notices with satisfaction that the average duration of appeals in Divisional Courts has again fallen from 89 days in 1891 to 76 days in 1892.

Paragraph 58.

12. The figures of institutions and disposals of first appeals from decrees in the Chief Court are within a minute fraction the same as in 1891, no impression having been made upon the pending file, but the reduction in duration from 477 to 449 days is, as far as it goes, satisfactory. There is a material reduction in the number of further appeals from decrees instituted and a material increase in the number of such appeals disposed of. This, as well as the reduction in the duration of such appeals, shows a marked improvement in the position. The pending file is, however, still very heavy, and it will take years to reduce it to reasonable dimensions. The increase in the proportion of appeals rejected at the preliminary hearing in chambers without issuing notice to the respondent may be due either to the Judges going more fully into the case at such hearing or to an increase in the proportion of unfounded appeals.

Paragraphs 64 to 66.

13. There has been a marked increase in the number of applications for revision, and 1,891 such applications were disposed of during the year under review as against 1,560 in the preceding year. The extent to which such applications are frivolous and unfounded may be judged from the fact that of the 1,891 applications disposed of 1,318 were rejected in chambers at the preliminary hearing without calling for the files or issuing notice to the opposite party, and in only 175 cases was it found that any interference was called for.

Paragraph 69

14. A scheme has recently been sanctioned by which all commission levied on sales in execution of decrees will be credited to Government and the money ultilized to improve the salaries of the process-serving establishment.

Paragraph 72.

15. Reference is made in the remarks printed at pages xiv and xv of the Appendix to the ruling of the Chief Court (Punjab Record, No. 115 of 1890) on the subject of the value to be attached to an unregistered deed in a case in which registration is optional in the presence of a registered deed of later date referring to the same property. The effects of this decision in increasing the number of registrations have already been noticed in the Review of the Registration Report. The decision is one of great importance, and the matter will be considered by the Lieutenant-Governor separately.

16. A report on the working of the law of further appeal in the Punjab has recently been submitted to the Government of India, and the whole question is now under the consideration of the Supreme Government.

ORDER.—Ordered, that the above Review be forwarded to the Registrar of the Chief Court, Punjab, for the information of the Judges, and published in the *Punjab Government Gazette* ; also that it be forwarded to the Government of India in the Home Department with the usual number of copies.

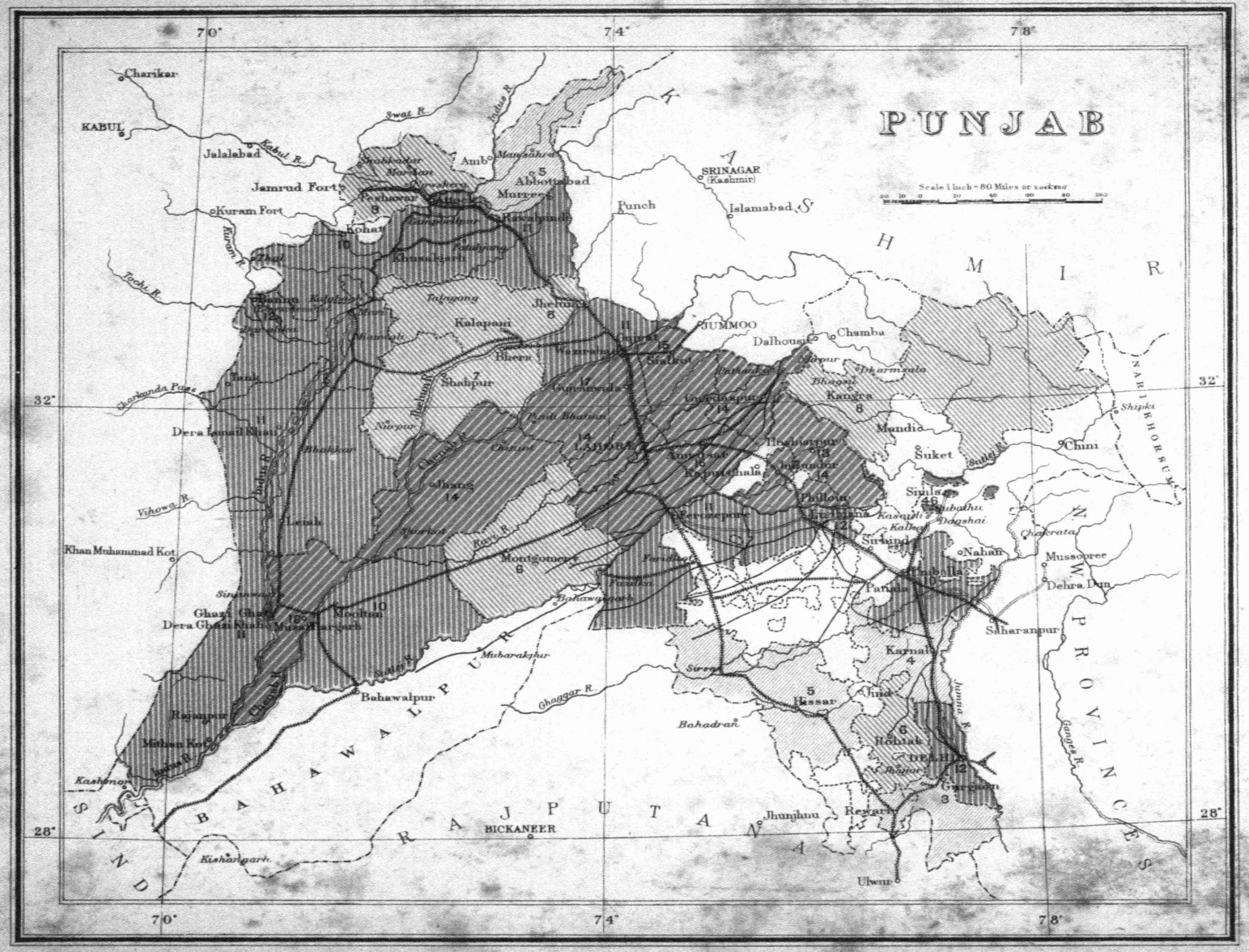
By order of the Hon'ble the Lieutenant-Governor,

R. E. YOUNGHUSBAND,

Offg. Junior Secretary to Government, Punjab.

Punjab Government Press, Lahore—14-10-93—337.

Civil Justice Report, Punjab, for the year 1892.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Kangra
Mandi
Suket
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Dehra Dun
Saharanpur
Ambala
Pattiala
Karnal
Jind
Hissar
Rohtak
DELHI
Gurgaon
Rewari
Jhunjhunu
Ulwar
BICKENEER
Bahawalpur
Muhammad Kot
Dera Ghazi Khan
Ghazi Ghat
Muzaffargarh
Multan
Montgomery
Jhang
Lahore
Amritsar
Kapurthala
Jullundur
Hoshiarpur
Phillour
Ludhiana
Ferozepore
Sirsa
Bhawalpur
Rajanpur
Mithan Kot
Kashmor
Kishangarh
Muhammad Kot
Dera Ismail Khan
Bannu
Kohat
Peshawar
Mardan
Hazara
Rawalpindi
Jhelum
Gujranwala
Sialkot
Gurdaspur
Kalapani
Bhera
Shahpur
Mianwali
Bhakkar
Leiah
Dera Ghazi Khan
Muzaffargarh
Multan
Montgomery
Jhang
Lahore
Amritsar
Kapurthala
Jullundur
Hoshiarpur
Phillour
Ludhiana
Ferozepore
Sirsa
Bah

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No. 2.—Statement showing the number and description of civil original cases instituted in the civil courts of the Punjab during the year 1892.

No. 2 —Part II.—Statement showing the number and description of miscellaneous cases instituted in the civil courts of the Punjab during the year 1892.

No. 3 —Statement showing the value of suits instituted in the civil courts of the Punjab during the year 1892.

No. 4.—Statement showing the general result of the trial of civil cases in the courts of original jurisdiction in the Punjab in the year 1892. (Part I, Civil suits.)

No. 4.—Statement showing the general result of the trial of civil cases in the courts of original jurisdiction in the Punjab in the year 1892. (Part II, Miscellaneous cases.)

No. 5.—Statement showing the business of the civil appellate courts in the Punjab in the year 1892. (Part I, appeals from decrees. Part II, Miscellaneous.)

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No. 7.—Proceedings in insolvency under chapter XX of the Civil Procedure Code in the Punjab in the year 1892. (Part I, showing the number and result of applications under section 344 and the number of insolvents before the courts. Part II, showing the number of estates in the hands of receivers and the progress made in winding up.)

No. 8 —Statement showing the use of assessors in the civil courts of the Punjab in the year 1892.

No 9.—Statement showing the number of days the Senior Judge and each of the Judges of the Chief Court, Punjab, sat in court and in chambers in the court-house during the year 1892.

Statement A.—Supplementary statement showing the value of suits instituted in the districts of the Punjab in the year 1892.

Appendices.

A.—Extracts from Divisional and District Reports.

B.—Note on the working of the Honorary Civil Court of Lahoul.

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FROM

E. W. PARKER, ESQUIRE,

Registrar, Chief Court, Punjab,

To

C. L. TUPPER, ESQUIRE, C.S.,

Chief Secretary to Government, Punjab.

Dated Lahore, the 25th May 1893.

SIR,

Submits Annual Report.

I am directed by the Judges to submit their report on the administration of Civil Justice in the Punjab, for the year 1892.

PART I.—ORIGINAL JURISDICTION.

A.—INSTITUTIONS,—CLASSIFICATION AND VALUE OF ORIGINAL SUITS.

Number of suits instituted

2. The following table shows the number of suits instituted in all the Civil Courts of the province in each of the past five years :—

Class of Court.	1888.	1889.	1890	1891	1892.
Chief Court	4	5	5	5	4
Divisional Courts	3	3	5	6	7
District Courts of general jurisdiction	235,287	222,721	220,219	211,434	201,119
District Small Cause Courts	15,162	13,964	14,087	28,340*	30,876*
Cantonment Small Cause Courts ...	7,519	6,706	6,363	6,574	7,022
Total	257,975	243,399	240,679	246,359	239,028

* Include suits instituted in the Courts of Munsifs invested with special Small Cause Court jurisdiction.

NOTE.—The figures for the Civil Court of Lahaul were received too late for incorporation in this report, but will be found in a note attached to the end of the report as Appendix B

Fluctuations noticed.

3. Taking a period of seven years (1886—1892) the number of suits instituted annually has averaged about 245,400. In the year 1888 the number rose to its highest point, namely, 257,975, and in the year 1892 the lowest figure of the period has been reached, namely, 239,028. The number of suits instituted represent 11 per thousand of the population. In Simla, which is altogether exceptional, the proportion was 46 per thousand. The number of suits per thousand of the population was above the average in the following districts besides Simla :—

Gujránwála	17	per 1,000 of the population.
Amritsar, Muzaffargarh ...	16	" "
Siálkot	15	" "
Jullundur, Lahore, Jhang	14	" "
Hoshiárpur	13	" "
Delhi, Ludhiána, Bannu	12	" "

The Ferozepore, Ráwalpindi, Gujrát, Dera Ismail Khan and Dera Ghází Khan districts stood at 11 per thousand. In the Gurgáon, Karnál, Hissár and Hazára districts the number was five per thousand or less. A map is prefixed to this report illustrating these figures.

There has been a decrease, as compared with the figure for the year 1891, which was itself above the average, of 7,331, but the number is only 1,651 below that for 1890. In dealing with such large numbers, fluctuations of three or four per cent may be expected. The cholera and fever which prevailed for several months of the year under report over large areas of the Punjab, and the scarcity in some parts, sufficiently account for the general decrease in institutions. In twenty districts (including Kulu) there was a decrease in the number of institutions, but the falling off was trifling except in the following districts:—

	Per cent.
Shahpur	— 24
Karnál	— 19
Dera Ismail Khan	— 16
Muzaffargarh	— 13
Ferozepore	— 10
Jhang	— 10
Gurdáspur	— 9
Gujránwála	— 9
Jhelum	— 9
Kángra	— 8
Montgomery	— 8

The average annual number of institutions in the Shahpur district for a period of five years has been 5,380; in the year 1890 the number rose to 6,913, and in 1892 it fell to 3,876. The District Judge attributes these variations chiefly to agricultural conditions and, as regards the large decrease in 1892, to the prevalence of epidemic disease. No special explanation has been given as regards Karnál, but the number of institutions in that district in the year 1891 was abnormally high, namely 3,820, against an annual average for five years of about 3,000. The number instituted in the year 1892 was 3,116 which was above the average. In Dera Ismail Khan the decrease is attributed to cholera, floods and fever. In regard to Muzaffargarh, the District Judge remarks: "during seasons "of public distress from epidemics and drought, only the most unavoidable litiga-"tion is taken in hand." In the Ferozepore district institutions average 11,200, and in the year 1892 there were only 10,017 suits instituted; prevalence of sickness is the cause assigned. Similar reasons are assigned for the decrease in the remaining districts.

There was an increase in the number of suits instituted in twelve districts, but the increase was marked in only the following districts:—

	Per cent.
Pesháwar	+ 18
Simla	+ 14
Gurgáon	+ 10
Umballa	+ 8
Hissár	+ 7

In Pesháwar the average for five years was 5,818, and the number in the year 1892 was 6,382. The District Judge says: "no satisfactory reason can be offered" for the large increase of 973 suits over the number in 1891. The number of suits instituted in Simla in the year 1891 (1,807) was below the average (2,159), while that for 1892 (2,074), though larger than that for 1891 is also below the average for five years. The fluctuations were due to local causes, some large firms having been concerned in a partnership case in the year 1891, which took up their time so much that they could not attend to ordinary business. In Gurgáon, as in Simla, the total figures are small and the fluctuations unimportant. There was an increase of 215 suits only. The average for five years stands at 2,289 in this district, and the institutions numbered 2,239 in the year 1892. In the Umballa district the average number of suits instituted in the years 1888, 1889 and 1890, respectively, was 9,633, while for the years 1891 and 1892 the average was 10,856. The number rose from 10,424 in the year 1891 to 11,288 in 1892. Disturbing influences were at work in this district for some time, an attempt having been made by the Deputy Commissioner to introduce a *panchâyat* system

for settling disputes between bankers and agriculturists. This action largely reduced institutions in the year 1890, but resulted in an increase thereafter. The money-lending classes seem to have been alarmed at the efforts made to adjust their claims otherwise than through the Courts and are probably seeking to protect themselves by obtaining decrees for all debts due. The increase in Hissár is attributed to agricultural prosperity.

In all the districts specially mentioned, the fluctuations are principally under the head of small causes.

The remarks of District Judges as to the causes of increase or decrease in institutions, where of any interest, will be found amongst the extracts.

Number of suits instituted in each district, in each of the past five years.

4. A table is annexed showing the number of suits instituted in each district, in each of the past five years :—

District.	1888.	1889.	1890.	1891.	1892.	Average.
Delhi	7,169	7,003	7,197	7,193	7,677	7,248
Gurgáon	2,595	2,431	2,156	2,024	2,239	2,289
Rohtak	3,333	3,605	3,221	4,141	4,058	3,671
Karnál	3,088	2 823	2,440	3,820	3,116	3,057
Umballa	9,993	9,722	9,195	10,424	11,288	10,124
Ludh ána	8,832	7,990	8,100	8,412	8,360	8,339
Simla	2,365	2,365	2,186	1,807	2,074	2,159
Jullundur	13,763	13,712	13,298	12,769	13,204	13,339
Hoshiárpur	14,442	14,095	14,733	14,253	13,819	14,268
Kangra	6,488	6,084	5,410	5,784	5,344	5,822
Kulu	1,028	927	1,071	1,046	977	1,010
Amritsar	17,348	16,865	15,603	16,970	16,235	16,424
Gurdáspur	16,049	15,423	15,618	15,344	13 966	15,280
Siálkot	18,756	17,964	15,517	17,681	17,785	17,540
Gujránwála	11,048	10,607	10,921	12,989	11,832	11,479
Lahore	17,541	15,855	15,706	16,346	15,791	16,248
Ferozepore	12,931	11,004	10,673	11,240	10,017	11,173
Hissár	3,760	3,142	3,336	3,965	4,236	3,688
Mooltan	8,581	8,047	7,266	6,873	6,901	7,533
Jhang	7,289	7,085	6,165	7,022	6,259	6,764
Montgomery	4,750	4,370	3,676	3,417	3,153	3,873
Muzaffargarh	6,775	6,467	6,645	7,128	6,146	6,632
Jhelum	6,336	6,317	7,255	5,823	5,244	6,195
Gujrát	8,683	8,358	7,982	9,158	9,022	8,640
Ráwalpindi	10,808	10,383	11,418	10,384	10,506	10,699
Shahpur	5,222	5,747	6,913	5,143	3,876	5,380
Dera Ismail Khan	6,693	5,583	6,388	6,492	5,450	6,121
Dera Gházi Khan	6,508	5,620	5,502	4,690	4,685	5,401
Bannu	4,569	4,065	4,844	5,007	4,660	4,629
Pesháwar	6,375	5,351	5,572	5,409	6,382	5,818
Hazára	2,628	2,265	2,675	2,734	2,683	2,597
Kohát	2,222	2,116	1,987	1,760	2,032	2,023
Total	257,968	243,391	240,669	246,348	239,017	245,478

Fluctuations noticed.

5. The most striking feature of this statement is the very great uniformity of the figures from year to year in many districts. Fluctuations of less than five per cent are of no importance in dealing with such large numbers. In only fifteen districts do the figures for the year 1892 vary more largely from the quinquennial average. In the Rohtak, Umballa and Hissár districts institutions were well above the average in the year 1892; while in the Shahpur, Montgomery, Jhelum, Gurdáspur, Ferozepore and Kángra districts the decrease in institutions was most marked.

6. The following table shows the number of suits under the chief heads of classification for each of the past five years:—

Classification of suits.

	Description of suits.	1888.	1889.	1890.	1891.	1892.
I.—Suits for money or moveable property.	On registered bonds	2,525	2,131	1,998	2,016	2,117
	On unregistered bonds	90,012	87,671	92,979	94,969	88,953
	Otherwise than on bonds	105,876	96,993	92,276	95,346	93,329
	For rent other than of land	3,586	3,499	3,412	3,813	4,036
	For moveable property or value thereof...	16,167	14,476	13,323	13,857	12,773
	For damages	2,081	2,028	1,550	1,501	1,442
	Other suits	1,976	1,273	1,595	1,254	1,295
	Total ...	222,223 86 p. c.	208,071 85 p. c.	207,133 86 p. c.	212,756 86 p. c.	203,945 85 p. c.
	II.—Rent suits and suits under the Punjab Tenancy Act.	5	29	9	10	5
III.—Other suits.	For immoveable property	27,439	26,806	25,804	25,340	26,105
	For declaration of right	2,536	2,468	2,364	2,161	2,597
	For specific performance	199	203	136	168	206
	Relating to betrothal, marriage, divorce and dower	4,687	5,089	4,564	5,297	5,363
	For or relating to partition	184	195	184	194	256
	Not included in the above	702	538	485	433	556
	Total ...	35,747 14 p. c.	35,299 15 p. c.	33,537 14 p. c.	33,593 14 p. c.	35,083 15 p. c.
	GRAND TOTAL ...	257,975	243,399	240,679	246,359	239,028

Increase and decrease under various heads noticed.

7. There is a falling off in the number of suits for "money and moveable property" of 8,811 suits, of which 6,016 were under "unregistered bonds" and 2,017 in cases on account or verbal contract shown as "otherwise than on bonds." Under suits for "moveable property or the value thereof" there is a decrease of 1,084; while suits for rent have risen from 3,813 to 4,036. Other differences are unimportant under head 1.

In classes falling under the third head there is a general increase amounting in all to 1,490 suits.

These fluctuations are accounted for in the remarks made explaining the increase and decrease in the number of suits instituted in districts.

Bankers and shopkeepers brought 103,667 suits in the year 1892, as compared with 112,217 suits in the year 1891.

Of the 203,945 suits for money or moveable property—

41,860 did not exceed Rs. 10 in value.
98,607 exceeded Rs. 10, but did not exceed Rs. 50 in value.
35,889 exceeded Rs. 50, but did not exceed Rs. 100 in value.

176,356 were under Rs. 100 in value.
27,589 were above Rs. 100 in value.

203,945

The proportion under each head is about the same as in the year 1891. Classified under the three heads prescribed by Act XIII of 1888, there were:—

	1891	1892
Small causes	212,756	203,945
Land suits	18,538	19,413
Unclassed suits	15,065	15,670
Total ...	246,359	239,028

It is doubtful whether the classification of "small causes" and "unclassed suits" is correctly made; "small causes" probably include many cases above Rs. 500 in value, and of classes excluded from the jurisdiction of Provincial Small Cause Courts. This point is receiving attention.

Value of suits

8. The following table shows the value of such suits instituted as were capable of money valuation, for each of the past four years:—

Class of suit.		Number of suits instituted capable of money valuation	Value.	Average value.
			Rs	Rs. a. p.
(1) For money or moveable property ...	1889 ...	208,071	1,29,10,865	62 0 9
	1890 ...	207,133	1,68,97,175	81 9 2
	1891 ..	212,756	1,40,21,867	65 15 0
	1892 ...	203,945	1,35,87,086	66 9 11
(2). For land assessed or subject to assessment	1889 ...	19,817	46,85,382	236 6 11
	1890 ...	18,593	41,97,213	225 11 10
	1891 ...	17,750	44,57,145	251 1 8
	1892 ...	18,431	53,93,815	292 10 4
(3) For other immoveable property ...	1889 ...	8,603	22,82,563	265 5 2
	1890 ...	7,587	28,78,660	379 6 8
	1891 ...	8,080	14,87,003	184 0 6
	1892 ...	8,462	19,55,232	231 0 11
(4). Other suits	1889 ...	4,725	8,26,291	174 14 0
	1890 ...	5,189	14,86,320	286 6 11
	1891 ...	5,617	18,53,881	330 0 9
	1892 ...	5,605	13,58,907	242 7 1
Total ...	1889 ...	241,216	2,07,05,101	85 13 4
	1890 ...	238,502	2,54,59,368	106 11 11
	1891 ...	244,203	2,18,19,896	89 5 7
	1892 ...	236,443	2,22,95,040	94 4 8

9. There were 2,585 suits of which the value could not be determined in money, as compared with 2,156 in the year 1891. The total value of the litigation was greater in the year under report than in the year 1891 by nearly five lakhs of rupees. In the Mooltan district the value went up by about six lakhs, and in the Delhi district it fell by more than four-and-a-half lakhs. Fluctuations were considerable in the Montgomery, Gujrát and Gujránwála districts; the two former showing a substantial increase and the latter a large decrease in value. These fluctuations are largely due to the value of a few of the more important cases instituted.

Variations in value noticed.

10. The average value for all classes of suits rose from Rs. 89-5-7 to Rs. 94-4-8. In suits for "money or moveable property" the value has fallen; in suits for "land assessed" the value has risen considerably; in suits for "other immoveable property" there is a marked increase; and in "other suits" there is a decrease. The variations do not appear to be capable of any very satisfactory explanation. Explanations are being called for in the case of one or two districts in which the figures appear to be abnormal.

Average value noticed.

B.—Disposal of original suits by courts subordinate to the chief court.

11. Divisional Courts disposed of six original civil suits in the year 1892, as compared with eight in the year 1891 and four in the year 1890.

Original suits in Divisional Courts.

12. The subjoined table shows the number of original civil suits for disposal, disposed of and pending at the close of the year in other subordinate Courts, for each of the last five years :—

Original suits in other Courts.

Year.	For disposal (pending instituted and re-admitted).	Disposed of.	Pending.
1888	285,973	268,174	17,799
1889	272,095	254,994	17,101
1890	269,449	253,266	16,183
1891	274,175	255,689	18,486
1892	269,736	251,844	17,892
Difference between 1891 and 1892 ...	—4,439	—3,845	—594

13. Taking the averages for five years, there were—

Remarks on working.

	Average.	1892.
For disposal	274,000	269,000
Disposed of	256,000	251,000
Pending	17,500	17,900

Having regard to the decrease in institutions during the year 1892, these figures call for no remark.

The state of the pending file shows that the Courts have, as a whole, disposed of more business than was instituted, and the detailed figures for districts are in all cases fairly satisfactory. The pending file in the Umballa district stood at 1,168, which is high for that district, but disposals exceeded the average by 1,259 suits. In the Hoshiárpur district the pending file stood at 1,414, but disposals were above the average, having reached 14,947. In the Gurdáspur district disposals fell short of the average by 1,463, although institutions were

much below the average; this is unsatisfactory. In Gujránwála, which has been allowed an additional Munsif, the outturn in 1892 fell short of that in 1891, and the pending file (1,022) is high. In the Shahpur, Dera Ismail Khan, Muzaffargarh, Montgomery, Ferozepore and Jhelum districts, disposals stood low, but the low pending files show that the result is due to fewer institutions.

Number of suits disposed of in each district.

14. The following table shows the number of suits disposed of in each district of the province, in each of the past five years :—

1	2	3	4	5	6	7	8
District.	1888.	1889.	1890.	1891.	1892.	Average.	Pending file on 31st December 1892.
Delhi	7,381	7,123	7,139	7,305	7,814	7,354	662
Gurgáon	2,595	2,507	2,291	2,111	2,231	2,347	82
Rohtak	3,414	3,633	3,271	4,233	4,214	3,753	166
Karnál	3,192	2,857	2,617	3,805	3,325	3,159	325
Umballa	9,910	10,031	9,907	10,572	11,678	10,419	1,168
Ludhiána	9,390	8,381	8,655	8,757	8,579	8,752	447
Simla	2,351	2,402	2,301	1,840	2,015	2,182	237
Jullundur	14,261	14,241	13,829	13,739	14,056	14,025	820
Hoshiárpur	15,000	14,661	15,331	14,498	14,947	14,887	1,414
Kángra	6,561	6,243	5,670	5,961	5,667	6,021	468
Kulu	983	1,022	1,076	1,047	1,001	1,025	71
Amritsar	18,329	17,424	16,344	16,965	17,013	17,219	963
Gurdáspur	16,519	16,211	16,421	15,934	14,442	15,905	1,015
Siálkot	19,836	19,120	17,073	18,386	18,866	18,656	969
Gujránwála	11,720	10,917	11,202	13,041	12,529	11,881	1,022
Lahore	18,019	16,481	16,371	16,917	16,564	16,870	1,325
Ferozepore	13,197	12,169	11,591	12,059	10,796	11,962	734
Hissar	3,979	3,271	3,530	4,058	4,374	3,842	292
Mooltan	9,429	8,649	7,732	7,067	7,268	8,028	600
Jhang	7,521	7,546	6,776	7,254	6,736	7,167	284
Montgomery	4,697	4,886	3,824	3,753	3,339	4,100	256
Muzaffargarh	7,182	6,477	6,600	7,732	6,561	6,910	325
Jhelum	6,668	6,531	7,461	6,277	5,758	6,539	507
Gujrát	8,932	8,367	8,520	9,348	9,392	8,915	546
Ráwalpindi	11,459	11,305	11,905	10,566	10,817	11,210	990
Shahpur	5,482	6,071	7,283	5,527	4,182	5,709	412
Dera Ismail Khan	6,843	5,861	6,699	6,767	5,771	6,388	440
Dera Gházi Khan	6,731	6,001	5,967	4,791	4,888	5,676	305
Bannu	4,926	4,485	5,232	5,330	5,316	5,057	281
Peshawár	6,584	5,529	5,791	5,505	6,639	6,009	388
Hazára	2,725	2,373	2,782	2,680	3,018	2,715	179
Kohát	2,335	2,216	2,072	1,862	2,048	2,106	169
Total ...	268,174	254,994	253,266	255,684	251,844	256,793	17,892

Variations noticed.

15. The variations between the figures for the year 1892 and the quinquennial average were important in twelve districts only. In the Shahpur, Montgomery, Gurdáspur, Ferozepore, Mooltan, Jhelum, Dera Ismail Khan and Dera Gházi Khan districts, the number of suits disposed of was more than ten per cent below the average; in the Umballa, Hissár, Gujrát and Peshawar districts the number of suits disposed of exceeded the average by about the same percentage.

Disposals under each of the three main classes of suits, in districts

16. The following table shows, for each district, the number of small causes, land suits, and unclassed suits, respectively, disposed of in the year 1892, side by side with the annual average disposals in the years 1890-92 :—

District.	Disposals for 1892				Average for three years				Percentage contested to disposed of.
	Small causes.	Land suits.	Unclassed suits.	Total	Small causes.	Land suits	Unclassed suits.	Total.	
Delhi	6,927	226	661	7,814	6,151	259	709	7,419	23
Gurgáon	1,915	183	133	2,231	1 924	176	111	2,211	19
Rohtak ..	3,588	478	148	4,214	3,319	424	163	3,906	22
Karnál	2,791	257	297	3,325	2 762	215	272	3 949	21
Umballa	10,383	829	466	11,678	9,275	834	610	10,719	23
Ludhiána . ..	6,637	865	1,077	8,579	6,835	821	1,008	8,664	38
Simla	1,989	12	14	2,015	2,037	8	8	2,053	28
Jullundur	11,236	1,643	1 177	14,056	11,172	1,474	1 229	13,875	28
Hoshiárpur .	11,909	1,836	1 202	14,947	11,974	1,796	1,156	14,926	31
Kángra .	4 755	584	328	5,667	4,875	614	277	5,766	38
Kulu	847	83	71	1,001	854	95	92	1,041	35
Amritsar ..	14,059	1,328	1,626	17,013	14,098	1,310	1,366	16,774	30
Gurdáspur	11,972	1,206	1,264	14,442	13,393	1,222	984	15,599	36
Siálkot	15,839	1 561	1,466	18,866	15,339	1,545	1,225	18,109	24
Gujránwála	10,750	872	901	12,52[illegible]	10,774	707	776	12,257	24
Lahore	14,572	800	1,192	16,564	14,813	755	1,049	16,617	28
Ferozepore	8,867	1 119	810	10,79[illegible]	9,471	1,164	847	11,482	31
Hissár	3,623	375	376	4,371	3 004	455	528	3,987	18
Mooltan	6 805	298	165	7,268	6,854	341	161	7 356	21
Jhang . ..	6,125	328	285	6,738	6,230	306	386	6,922	24
Montgomery	3,144	92	103	3,339	3,420	111	108	3,639	23
Muzaffargarh	6 181	290	90	6,561	6,533	336	95	6,964	22
Jhelum .	4,322	773	663	5,758	5,045	792	662	6,499	30
Gujrát	7,296	1,303	793	9,392	7,221	1,181	685	9,087	32
Shahpur	3,329	520	333	4,182	4,748	505	411	5,664	31
Ráwalpindi	8,578	1,486	753	10,817	9,055	1,300	741	11,096	32
Dera Ismail Khan	4,908	565	298	5 771	5,675	504	233	6,412	21
Dera Ghází Khan	4,321	367	200	4,888	4,579	384	252	5,215	28
Bannu	3,799	797	720	5,316	3,875	772	646	5 293	40
Peshávar	5,141	913	585	6,639	4,769	753	456	5,978	36
Hazára	1,904	669	445	3,018	1,819	651	357	2,827	44
Kohát	1,735	187	126	2,048	1,660	206	128	1,994	30
Total ...	210,253	22,825	18,766	251,844	213,853	22,016	17,731	253,600	29

17. The proportion which each class of suits bears to the whole is very similar from one year to another. Land suits and unclassed suits are most numerous in the Siálkot, Hoshiárpur, Amritsar, Jullundur, Gurdáspur, Ráwalpindi, Gujrát, Ferozepore, Lahore and Ludhiána districts, and these are the districts in which civil litigation is heaviest. Apart from these, the Umballa and Gujránwála districts are remarkable for the large number of 'small causes' dealt with; both districts being purely agricultural, and possessing very moderate town populations. The decrease in 'small causes' in the year 1892, in the Gurdáspur, Shahpur, Jhelum, Dera Ismail Khan and Ráwalpindi districts, is remarkable.

Remarks on the foregoing statement.

18. The following table shows the manner in which original civil suits were disposed of in each of the past five years:—

Manner of disposal.

Manner of disposal.	Percentage decided.				
	1888.	1889.	1890.	1891.	1892.
Without trial	19·4	19·6	19·7	20·4	20·5
„ contest	50·5	50·3	50 2	50·3	49·5
On reference to arbitration	·8	·6	·6	·5	·5
After contest { For plaintiff	21·7	21·6	21·9	22·0	22·4
After contest { For defendant	7 6	7·9	7·6	6·8	7·1

About seventy per cent of the litigation is usually disposed of without contest. The figures remain very constant from year to year.

19. The following table shows the manner of disposal in further detail:—

Further details of disposals.

1	2	3	4	5	6	7	8	9	10
Year.	Percentage of cases.								
	Dismissed on default.	Withdrawn with leave, section 373, Civil Procedure Code.	Compromised.	Decreed on confession.	Decreed or dismissed *ex parte*.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant	Percentage of contested cases decided in favor of plaintiff to the number contested.
1889	17 9	0·4	19·1	17·4	13·7	0·6	21·6	7·9	71·8
1890	17 9	0·3	18 8	17·1	14 2	0·6	21·9	7·6	74·4
1891	18·8	0 3	18·5	17·2	14·3	0·5	22·0	6·8	76·3
1892	18·9	0·3	17·0	17·5	15·0	0·5	22·4	7·1	76·7

The variations are not important.

20. Dismissals on default and *ex parte* decisions are shown in more detail in the following table :—

Dismissals on default and *ex parte* decisions.

Year.	Dismissals on default.				*Ex parte* decisions.					
	Number of cases dismissed on default under sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under sections 97 and 98, Civil Procedure Code.*		Number of fresh suits brought on claims dismissed on default under sections 97 and 98, Civil Procedure Code.	Number of cases in which judgment was passed *ex parte* against a defendant, under section 101, Civil Procedure Code.	*Applications to set aside* ex parte *decrees.*		Number of cases in which suit was dismissed under section 102, Civil Procedure Code.	*Applications under section 103, Civil Procedure Code.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused.
1888 ...	47,659	5,630	2,306	346	32,298	2,639	1,888	3,504	1,221	439
1889 ...	45,843	4,939	2,426	214	31,639	2,700	1,819	3,461	1,185	435
1890 ...	45,570	6,845	2,993	261	32,420	2,863	1,909	3,670	1,371	516
1891 ...	48,105	7,465	2,735	259	32,825	2,720	1,946	3,842	1,401	442
1892 ...	47,603	7,502	2,950	245	33,699	3,076	2,053	4,275	1,629	548

21. Dismissals on default stood high in the following districts, namely :—

Districts in which percentages were highest.

Dera Ismail Khan	27	per cent.
Montgomery	27	"
Mooltan	27	"
Kulu	26	"
Karnál	25	"
Shahpur	22	"
Muzaffargarh	22	"
Jhelum	21	"
Jhang	21	"
Hoshiárpur	21	"
Ferozepore	20	"
Provincial average	18·9	"

In the previous year the highest figure was in Gurdáspur, namely, 21 per cent. These results show that cholera, fever and, in some cases, drought seriously affected litigation during the year 1892. Suits were abandoned to be, no doubt, again instituted when times improved. The total number of suits dismissed on default, which might have been expected to have been fewer in a year of low institutions like 1892, was only 502 below the number for 1891; such dismissals were more numerous than in either of the years 1889 and 1890. Applications for re-admission were freely granted.

Ex parte decisions also show an increase instead of a decrease in proportion to the smaller number of suits for disposal. The number was larger than in any year of the quinquennial period compared. Re-admissions were also allowed in a larger number of cases.

The districts in which *ex parte* decisions were most numerous are—

Ludhiána	20	per cent.
Hissár	19	"
Mooltan	19	"
Jhang	18	"
Shahpur	18	"
Dera Ismail Khan	18	"
Provincial average ...	15·0	"

Having regard to the unsatisfactory state of the public health during several months of the year 1892, it is difficult to hold the Courts responsible for these results.

References to arbitration.

22. Only 1,352 suits were referred to arbitration in the year 1892, as against 1,531 in 1890 and 1,446 in 1891. The decrease in the number of references to arbitration has frequently formed the subject of remark.

Issue of commissions.

23. The number of commissions issued for local investigation and for examination of accounts in each of the past three years will be seen from the following table :—

Year.	For local investigation.				For examination of accounts.			
	To a revenue official.	To any other person.	Total.	Average cost.	To a revenue official.	To any other person.	Total.	Average cost.
				Rs. a. p				Rs. a p.
1890	252	2,231	2,483	5 4 3	43	1,182	1,225	4 13 10
1891	287	1,982	2,269	5 0 0	70	1,136	1,206	5 0 0
1892	331	2,004	2,335	6 13 0	39	976	1,015	5 11 0

Local commissions show an increase of 66, and commissions for accounts a decrease of 191. Having regard to the amount of litigation dealt with, the number of commissions issued (3,350) cannot be regarded as large.

Attachment before judgment.

24. The number of cases in which property was attached before judgment, in each of the past five years, was as follows :—

1888	520
1889	452
1890	513
1891	510
1892	533

Compensation for improper attachment was awarded in 19 cases. The number of cases in which attachment before judgment was ordered was, as usual, highest in Lahore in which there were 114 such cases. This is due to the large and fluctuating European population.

Decrees bearing interest.

25. The number of decrees bearing interest has increased by five. In the year 1889 there were 556 such decrees; in 1890 the number fell to 359; in 1891 to 285; and in 1892 it stood at 290. Of these, 224 were passed by consent and only 66 otherwise. The average rate of interest has fallen from Rs. 8 to Rs. 7-4-0 in decrees passed by consent, and from Rs. 8 to Rs. 5-9-0 in decrees passed without consent.

In the Hissár, Ferozepore and Shahpur districts decrees bearing interest at Rs. 13, 18 and 19 per cent, respectively, were passed by consent. The Courts which passed these decrees were:—

the Tahsíldár of Fattehabád ;
the Honorary Civil Judge, Mamdot ;
the Subordinate Judge, Shahpur.

Pending file.

26. The state of the pending file has already been alluded to. It has fallen from 18,486 in the year 1891 to 17,892 in 1892, but is still perhaps a little high, considering that the amount of work for disposal was so much less. The districts in which pending files are perhaps higher than they should be are Lahore, Umballa, Gurdáspur, Hoshiárpur and Gujránwála.

27. The average duration of suits for the whole Province, in each of the past four years, was :—

Average duration.

Year.	Days. Contested.	Days. Uncontested.
1889	34	22
1890	34	21
1891	32	21
1892	33	22

The average duration was highest in the following districts :—

District.	Contested.	Uncontested.
Umballa	52	31
Gujránwála	48	20
Kángra	46	31
Jhelum	46	27
Delhi	43	20
Hissár	41	22
Ráwalpindi	41	27
Karnál	40	22

28. The average duration in the various classes of Courts, in each of the past two years, was :—

Average duration in various classes of Courts.

Class of Court.	Contested. 1891.	Contested. 1892.	Uncontested. 1891.	Uncontested. 1892.
District Judges' Courts	69	74	53	53
Courts of Subordinate Judges with appellate powers ...	60	60	38	46
Assistant and Extra Assistant Commissioners (Special Sub-judges or Munsifs)	47	56	34	36
District Small Cause Courts	20	20	17	14
Cantonment do. do.	19	24	17	17
Munsifs' Courts	28	29	19	21
Tahsíldárs' Courts (Special Munsifs)	34	35	22	23
Náib-Tahsíldárs' Courts (Special Munsifs)	18	17	14	13
Honorary Civil Judges' Courts (Special Munsifs) ...	28	38	19	20

The Courts in which the average duration was most unsatisfactory were the following :—

	Days. Contested.	Days. Uncontested.
District and Sub-Judges.		
Rai Mulraj, Sub-Judge, Amritsar	350	324
Háfiz Anwar Ali, Sub-Judge, Mooltan	275	351
Mr. A. C. Marshall, District Judge, Umballa ...	230	...
Sardár Arjan Singh, Sub-Judge, Jullundur ...	190	...
Extra Assistant Commissioners.		
Syad Abid Husain, Jullundur	153	...
Rái Kirpa Rám, Amritsar	138	188
S. Azíz dín, Montgomery	150	150
Mr. Watson, Kasauli	149	...
Mr. Holder, Umballa	130	162
Munshi Fakír Ali, Umballa	146	...
Honorary Civil Judge.		
Háfiz Eláhi Bakhsh, Kasur	262	137
Tahsíldárs.		
Dhani Rám, Kángra	192	...
Bhanju Rám, Dera Ghází Khan	158	...

C.—Agency employed in districts for the disposal of civil suits.

Distribution of civil work between the various grades of Courts.

29. The following table shows the manner in which original civil suits were distributed between the various grades of District Courts. The figures given are for the past three years:—

Number of officers employed on civil work.			Grade of Officers.	Original suits decided. Number.			Original suits decided. Percentage.			Average number of cases decided by officers of each grade.		
1890	1891	1892		1890.	1891.	1892.	1890.	1891.	1892.	1890.	1891.	1892.
			District Judges and Subordinate Judges with appellate powers.	5,494	4,608	4,362	2·1	1·8	1·7	...	...	...
			Assistant Commissioners (Special Munsifs).	3,297	3,561	3,353	1·3	1·4	1·3	...	...	...
			Extra Assistant Commissioners (Special Munsifs).	15,958	15,808	17,146	6·3	6·3	6·8	...	...	...
116	124	126	Tahsíldárs (Special Munsifs) ...	14,385	15,292	17,766	5·7	5·9	7·1	124	124	142
6	5	7	Náib-Tahsíldárs (Special Munsifs)	1,181	899	819	·5	·3	·3	197	180	102
*83	84	84	Munsifs	180,599	169,096	158,011	71·3	66·2	62·7	2,176	2,013	1,881
8	7	7	Judges of District Small Cause Courts and Registrars.	14,326	14,499	15,306	5·6	5·6	6·1	1,791	2,071	2,186
...	...	...†	Munsifs exercising Small Cause Court powers.	...	13,457	16,157	...	5·3	6·4	...	1,682	2,019
9	8	8	Judges of Cantonment Small Cause Courts.	6,466	6,659	7,879	2·6	2·6	2·8	718	832	884
52	56	62	Honorary Civil Judges	11,560	11,810	11,845	4·6	4·6	4·8	222	211	191
			Total	253,266	255,689	251,844	...	...	...	...	...	...

* One Munsif was Registrar of the Lahore Small Cause Court.
† Included among the Munsifs in 1890.

Remarks on the distribution of business.

30. The principal Civil Courts of districts did less than 2 per cent of the original work of the Courts. Assistant and Extra Assistant Commissioners disposed of 8 per cent; Tahsíldárs and Náib-Tahsíldárs of 7 per cent; 84 Munsifs of 69 per cent; Small Cause Courts (Provincial and Cantonment) of 9 per cent.; and Honorary Civil Judges of about 5 per cent.

Classes of suits.

31. The following table shows the number of small causes, land suits, and unclassed suits, respectively, disposed of by each class of agency, in each of the two past years:—

Class of Court.	1891. Small causes.	1891. Land suits.	1891. Unclassed suits.	1892. Small causes.	1892. Land suits.	1892. Unclassed suits.
District Judge	347	933	1,060	381	810	1,039
Sub-Judge with appellate powers ...	515	1,099	654	270	1,108	754
Assistant and Extra Assistant Commissioners	5,715	10,206	3,448	5,871	11,157	3,471
Small Cause Courts*	21,158	...	...	22,385	...	...
Munsifs	170,798	1,454	10,391	161,720	824	11,624
Tahsíl Courts	8,104	6,757	1,330	9,104	8,131	1,350
Honorary Civil Judges	10,671	676	463	10,522	795	528

* Excluding the eight Munsifs exercising Small Cause Court jurisdiction.

Remarks on the foregoing table.

32. A note in which the work done by each class of agency has been considered in detail, has already been submitted. From the figures given in the preceding paragraphs and the remarks contained in the note, it will be observed that great improvement has been effected in the

distribution of civil business. Land suits are more largely tried by Assistant and Extra Assistant Commissioners and Tahsíldárs; the former agency now takes a fair share of the burden of litigation; in some districts Tahsíldárs still dispose of less civil work than might be expected of them, but they do more than was formerly the case.

The falling off in the amount of original work done by principal civil courts of districts (District or Sub-Judge) is not satisfactory, but the attention called to the matter in the note alluded to will probably effect an improvement.

A table is under preparation showing, for each district, the whole amount of judicial work of all kinds which has to be done and the agency required to deal with it. This will be submitted to Government when ready.

Notes on the agency required in the twelve larger districts, and on the District and Sub-Judge agency available, have already been submitted to Government under cover of my letters Nos. 600 G. and 608 G., dated the 6th and 7th February 1893, respectively.

Honorary agency.

33. The table below gives the names of the Honorary Civil Judges who rendered assistance in the disposal of civil business during the past year. These gentlemen deserve credit for the manner in which they devote their time to judicial work:—

District.	Name of Officer.	Powers.	Number of cases disposed of.
Muzaffargarh	Miáu Mahbúb	Munsif, 2nd class	734
Ditto	„ Saifulla Khan	Ditto	717
Siálkot	Sardár Diál Singh	Ditto	634
Jullundur	„ Harnám Singh	Munsif, 3rd class	572
Ferozepore	Sodhi Khazán Singh	Munsif, 2nd class	554
Gujránwála	Rája Harbans Singh	Munsif, 3rd class	517
Siálkot	Sardár Richpál Singh	Ditto ...	511
Karnál	Syad Riáz Hossain	Ditto ...	435
Umballa	Sardár Harnám Singh	Munsif, 2nd class	411
Montgomery	Rái Bhág Rái	Munsif, 3rd class	369
Lahore	Sardár Buláka Singh	Ditto ...	361
Karnál	Syad Altáf Hussain	Munsif, 1st class	300
Kángra	Rája Narindar Chand	Munsif, 2nd class	299
Lahore	Pandit Bansi Lál	Munsif, 3rd class	297
Gujránwála	Lieutenant-Colonel Rája Ataulla Khan	Ditto ...	279
Ferozepore	Sodhi Indar Singh	Munsif, 2nd class	263
Delhi	Rái Bahádur Píyáre Lál	Ditto ...	263
Umballa	Sardár Jíwan Singh	Ditto ...	258
Ferozepore	Pír Usmán Khan	Munsif, 3rd class	249
Kohát	Khán Bahádur Muhammad Zaffar Khan	Munsif, 2nd class	244
Umballa	Rái Thandi Rám	Ditto ...	235
Dera Ghází Khan ...	Sardár Fazal Ali Khan...	Ditto ...	213

D.—Miscellaneous cases.

Miscellaneous cases of a civil nature under the Code.

34. The following table shows the number of miscellaneous original cases under the Code of Civil Procedure (excluding applications for the execution of decrees) instituted in District Courts in each of the past two years:—

Nature of case.	1891.	1892.
Plaints or memoranda of appeal rejected or returned without registration	5,228	4,713
Applications for restoration to the file of a suit or appeal dismissed in default or decreed *ex parte* (sections 99, 103, 108, 558, and 560, Civil Procedure Code)	16,147	16,890
Objections with regard to attached property (sections 278 and 487) ...	13,098	12,784
Applications for permission to sue as a pauper (section 401)	1,149	1,155
Applications for review of judgment (section 623)	1,451	1,275
Other cases	898	903
Total	37,971	37,720

Miscellaneous cases unconnected with the Code of Civil Procedure.

35. The following table shows the number of miscellaneous original cases, unconnected with the Code of Civil Procedure, instituted in District Courts during the years 1891 and 1892:—

Description of case.	1891.	1892.
Under Regulation No. I of 1798 and XVII of 1806 (Mortgages) ...	2,456	2,414
Under Act VII of 1889 (Succession Certificates)	2,891	3,135
Under Acts X of 1865, V of 1881 and VI of 1889 (Probate and Administration)	86	100
Under Act VIII of 1890 (Guardian and Ward)	710	740
Under Act XXXV of 1858 (Lunatics)	32	33
Others	759	721
Total	6,934	7,143

The number of such applications was most numerous in the Umballa (606), Gujránwála (605), and Ferozepore (522) districts.

Detailed figures in each district.

36. The following table shows institutions in the year 1892, in each district under these heads:—

District.	Under Regulations I of 1798 and XVII of 1806 (Mortgages).	Under Act VII of 1889 (Succession Certificates).	Under Acts X of 1865, V of 1881 and VII of 1889 (Probate and Administration).	Under Act VIII of 1890 (Guardian and Ward).	Under Act XXXV of 1858 (Lunatics).	Others.
Delhi ...	89	163	22	62	2	2
Gurgáon ...	35	35	...	...	...	...
Rohtak ...	196	46	2	2	...	15
Karnál ...	45	65	5	2	...	5
Umballa ...	325	196	10	25	1	49
Ludhiána ...	31	134	3	81	...	20
Simla ...	...	11	6	...	...	...
Jullundur ...	40	175	...	23	1	11
Hoshiárpur ...	70	139	...	57	2	9
Kángra ...	57	97	5	40	4	6
Kulu ...	...	8	2	...	...	5
Amritsar ...	54	279	1	76	6	10
Gurdáspur ..	27	214	...	35	...	8
Siálkot ...	26	181	1	27	...	2
Gujránwála ...	439	134	...	22	5	5
Lahore ...	55	189	28	33	...	4
Ferozepore ...	338	115	1	38	2	28
Hissár ...	316	40	1	6	...	42
Mooltan ...	7	94	1	31	...	28
Jhang ...	...	59	...	...	...	23
Montgomery ...	9	38	...	...	...	13
Muzaffargarh ...	...	48	...	8	...	...
Jhelum ...	43	81	...	15	...	29
Gujrát ...	16	124	...	12	...	36
Ráwalpindi ...	122	113	7	14	...	15
Shahpur ...	12	47	1	25	...	58
Dera Ismail Khan ...	12	80	...	15	...	30
Dera Ghází Khan ...	18	48	...	5	8	6
Bannu ...	2	41	...	37	...	31
Pesháwar ...	25	87	3	24	...	207
Hazára ...	4	32	1	8	2	16
Kohát ...	1	22	...	17	...	8
Total ...	2,414	3,135	100	740	33	721

Miscellaneous cases in Divisional Courts.

37. The following table shows the number of miscellaneous cases instituted in Divisional Courts in each of the past two years :—

NATURE OF CASE.	1891.	1892.
Memoranda of appeal rejected or returned	324	309
Applications under sections 558 and 560 for restoration to the file of an appeal dismissed in default or decided *ex parte*	131	160
Applications for permission to appeal as a pauper	49	50
Ditto for review of judgment	111	124
Ditto for certificates to appeal under section 40 (*c*), Punjab Courts Act	2,152	1,932
Cases under the Land Acquisition Act, 1870	64	46
Cases under section 14 of the Legal Practitioners' Act, 1879 .	1	0
Total .	2,832	2,621

E.—EXECUTION OF DECREES.

Result of execution proceedings.

38. The following table gives details of execution of decree business in District Courts, for each of the past three years :—

YEAR.	Total number of applications for execution before the Courts.	Transferred.	Completely executed.	Partially executed.	Wholly infructuous.	Total number disposed of.	Percentage of cases completely executed to the number disposed of.	Average duration.	Value of money decrees in execution.	AMOUNT REALIZED. Voluntarily.	After issue but without execution of process.	After execution of coercive process.	Percentage realized.
1890 ...	205,899	1,495	51,240	39,935	90,188	182,858	28	41	1,39,39,225	4,14,350	10,73,632	30,08,873	32
1891 ...	210,792	1,315	51,646	44,153	90,591	187,705	27	40	1,43,30,309	4,89,913	7,57,664	29,02,473	29
1892 ...	204,261	1,367	49,834	40,345	89,200	180,746	27	40	1,36,00,089	4,19,173	6,54,334	30,88,518	30

Remarks on the working in districts under this head.

39. There is a general decrease, corresponding with the decrease in original suits, under almost all heads. There is an improvement in the amount realized after issue of coercive process; for the rest the working is much the same as in former years. The percentage of decrees completely executed is the same as in 1891, namely 27; decrees partially executed represent 22 instead of 23 per cent as in 1891. Wholly infructuous applications stand at 49 per cent against 48 per cent in 1891 and 49 per cent in 1890.

The percentage of wholly infructuous applications was highest in the following districts :—

Shahpur	71 per cent.
Hissár	60 ,,
Jhang	59 ,,
Umballa	58 ,,
Muzaffargarh	58 ,,
Dera Ismail Khan	57 ,,
Ferozepore	57 ,,
Mooltan	57 ,,
Montgomery	57 ,,
Jhelum	56 ,,
Siálkot	52 ,,
Amritsar	51 ,,
Gurdáspur	51 ,,

The percentage realized to the amount under execution, was most satisfactory in:—

Pesháwar	59	per cent.
Amritsar	51	„
Ludhiána	42	„
Simla	41	„

and least so in:—

Karnál	18	„
Umballa	19	„
Jhang	19	„
Gurgáon	22	„

Having regard to the depressing influences which were at work during the year 1892, the results of execution of decree proceedings are not, when taken as a whole, as unsatisfactory as might have been expected, but in some districts the results are extremely unfavourable.

Mode of coercion employed.

40. The following table shows the processes resorted to for the execution of decrees, in each of the last two years:—

	1891.	1892.
On which process was issued, but not executed ...	57,277	56,346
„ moveable property was attached, but subsequently released	41,990	38,809
„ moveable property was sold	10,514	10,488
„ immoveable property was attached, but subsequently released	7,286	6,316
„ hereditary or joint acquired property in land was sold	30	73
„ other immoveable property was sold ...	2,611	2,668
„ action was taken under section 305 or section 306, Civil Procedure Code ...	457	198
„ possession was given of moveable property	750	378
„ possession was given of immoveable property	6,722	6,974
„ specific performance was enforced ...	149	88
„ partition was effected	88	65
„ execution was effected otherwise than as above	20	14
„ judgment-debtors were arrested, but released without imprisonment ...	3,427	3,117
„ judgment-debtors were imprisoned ...	362	378

Realization in money decrees.

41. The following table shows the modes of realization in money decrees:—

Modes of realization.		Amount realized.		Percentage.	
		1891.	1892.	1891.	1892.
		Rs.	Rs.		
Paid in voluntarily		4,89,913	4,19,173	12	11
Realized.	After issue, but without execution of process	7,57,664	6,54,334	18	15
	By attachment only...	22,55,006	21,34,024	54	51
	By sale	4,94,072	7,78,867	12	18
	By arrest only	1,27,372	1,52,848	3	4
	After imprisonment...	26,023	22,779	1	1

Arrest and imprisonment

42. The following table gives details of the number of judgment-debtors arrested and imprisoned, and of the terms of imprisonment awarded :—

Year	Number of judgment-debtors arrested.		Number of persons detained.			Average duration of detention in days.
	Released without imprisonment.	Imprisoned.	Up to one month.	Between one and three months.	Between three and six months	
1890	2,882	513	177	123	91	54
1891	3,427	362	216	87	69	52
1892	3,117	378	165	117	112	44

Distribution of execution of decree work amongst the various grades of Courts.

43. The following table shows the distribution of execution of decree work amongst the various grades of Courts, and the results obtained in each :—

Class of Court	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part		Value of money decrees in execution.		Percentage realized.		Average duration.	
	1891	1892.	1891.	1892.	1891	1892.	1891.	1892.	1891.	1892.
Sadr Courts ...	21,781	20,985	51	53	2,96,855	52,91,153	26	28	53	54
Small Cause Courts ...	17,393	20,852	61	60	5,69,297	6,92,242	39	39	22	25
Tahsil Courts	7,723	8,058	60	59	2,18,432	2,35,538	40	37	35	35
Munsifs' Courts ...	1,35,956	1,25,401	49	47	74,28.888	71.45,230	30	31	41	43
Honorary Courts .	4.852	4,350	59	53	2,06,837	2,35,926	33	35	36	35

F.—Insolvency Proceedings.

Insolvency proceedings under the Civil Procedure Code.

44. The following table gives the number of applications for declaration of insolvency under the Code of Civil Procedure filed, disposed of and pending at the close of the year, for each of the two preceding years :—

Year.	Pending from previous year.	Filed.				Disposed of.	Pending.
		By judgment-debtors		By decree-holders.	Total for disposal.		
		Under arrest or imprisonment.	Against whose property an order of attachment had been made.				
1890	93	22	246	1	362	273	89
1891	89	11	299	12	411	323	88
1892	88	19	332	4	443	333	110

45. The insolvency business was disposed of as follows:—

Manner of disposal.

		1891.	1892.
Transferred		...	...
Withdrawn or otherwise not prosecuted ...		128	134
Granted	A receiver not being appointed ...	33	39
	Ditto being appointed ...	39	49
Rejected	Penal proceedings not being taken ..	122	109
	Ditto being taken ...	1	2

The scheduled debts stood at Rs. 5,72,293, as compared with Rs. 6,66,869 in the preceding year, and of this sum 14 per cent was satisfied or disallowed during the year, as against 19 per cent in the preceding year. Receivers held Rs. 26,163, of which Rs. 10,880, or 41 per cent was disbursed during the year.

G.—Attendance of witnesses.

46. The annexed table shows particulars as to witnesses who attended the Courts in original civil suits, during each of the two past years:—

Attendance of witnesses.

	Number.		Difference.	Percentage.	
	1891.	1892.		1891.	1892.
Witnesses who appeared voluntarily	1,23,770	1,34,011	+10,241	32	34
Witnesses for whose appearance a summons was issued ...	2,62,686	2,58,818	—3,868	68	66
Total ...	3,86,456	3,92,829	+6,373		

PART II.—SMALL CAUSE COURTS.

47. The following table shows the original work for disposal by Provincial and Cantonment Small Cause Courts, and the manner of disposal, for each of the two past years. The work done by Munsifs in exercise of special Small Cause Court jurisdiction under section 30 of the Punjab Courts Act, 1884, is also shown in the table:—

Original Civil business of District and Cantonment Small Cause Courts and Munsifs specially empowered.

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Number of civil suits on the file.												Average duration.	
Court.		Pending from last year.	Instituted.	Re-admitted under sections 99 and 103, Act XIV of 1882 or the Small Cause Courts Act	Received by transfer.	Total.	Disposed of without trial	Without contest.	With contest.	Total disposed of.	Pending at the end of the year.	Pending for more than three months at the close of the year.	Percentage of contested cases.	Contested.	Uncontested.
District Small Cause Courts.	1891 ...	881	14,367	237	..	15,485	1,743	9,304	3,452	14,499	986	25	23	20	17
	1892 ...	986	15,063	251	...	16,300	2,332	8,982	3,992	15,306	994	52	26	20	14
Munsifs.	1891 ..	...	13,073	281	...	14,254	3,044	6,858	3,555	13,457	797	37	26	19	12
	1892 ...	797	15,862	431	...	17,090	3,890	7,958	4,309	16,157	933	29	26	19	16
Cantonment Small Cause Courts.	1891 ..	304	6,574	162	...	7,040	1,045	3,095	1,619	6,659	381	15	24	19	17
	1892 ...	381	7,022	98	...	7,501	1,096	4,152	1,861	7,079	422	17	26	24	17

48. Institutions and disposals in Small Cause Courts show an increase in the year 1892, which it is not easy to explain. Provincial Small Cause Courts had 15,063 institutions, as compared with 14,367 in the year 1891, and 14,087 in 1890. Cantonment Small Cause Courts had 7,022 cases instituted in 1892, against 6,574 in 1891, and 6,363 in 1890. Disposals kept pace with institutions and the state of pending files was satisfactory in all Courts. The average duration of contested cases in Cantonment Small Cause Courts was somewhat higher than usual. An analysis of the working in each of the four Provincial Courts and eight Cantonment Courts yields satisfactory results.

Remarks on the business in Small Cause Courts.

The Registrars of the Lahore, Amritsar, Delhi and Simla Small Cause Courts disposed of work as follows :—

	1891.	1892.
Lahore	2,696	2,918
Amritsar	870	1,075
Delhi	1,238	1,788
Simla	491	516

The Judges of Small Cause Courts assisted District Courts as follows :—

	Cases.
Amritsar	11
Simla	37
Delhi	137

49. The eight Munsifs who have been invested with special Small Cause Court jurisdiction, disposed of 16,157 suits in 1892, as compared with 13,457 in the preceding year. The reports received on the working of these officers during the year 1892, are not, perhaps, so favourable as those received at the close of the year 1891. While no specific objections have been made as to the manner in which these Courts have discharged their duties, they seem to be regarded in some quarters as unpopular and unsuitable to agricultural communities. The objects in view in investing officers with special Small Cause Court jurisdiction, seem to be attained in these Courts. Petty cases are promptly and finally decided, and petty appeals are reduced. The main difficulty which is found to exist is in the selection of suitable officers for the exercise of these powers, the selection being confined to officers in the ordinary grades of Munsifs, the services of officers of higher rank not being freely and continuously available. The Judges do not at present recommend any alteration in the system either by extension, curtailment or abolition.

Special Small Cause Court jurisdiction of Munsifs.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

50. The following statement shows the number of appeals against decrees instituted in District and Divisional Courts during each of the past four years :—

Institution of appeals from decrees in District and Divisional Courts.

1	2	3	4	5	6	7
Year.	*Number of appeals instituted.*			Total number of contested cases decided.	Total number of first appeals.	Percentage of first appeals to appealable orders.
	In District Courts.	In Divisional Courts.	Total.			
1889	9,593	7,660	17,253	71,120	17,253	24
1890	9,687	6,931	16,618	71,047	16,618	23
1891	8,557	6,676	15,233	66,545	15,233	23
1892	8,227	6,934	15,161	64,755	15,161	23

A.—Appellate work in district courts.

Work disposed of and pending; average duration.

51. The figures given below show, for District Courts, the number of appeals for disposal, disposed of and pending, respectively, at the close of the year, with the average duration in days:—

Year.	Number of appeals. For disposal.	Disposed of.	Pending.	Average duration of appeals
1889	10,520	9,567	953	27
1890	10,640	9,659	981	32
1891	9,538	8,843	695	30
1892	8,922	8,349	573	29

Remarks on the appellate work in certain districts.

52. Appellate work was exceedingly heavy in the Hoshiárpur (749), Jullundur (600), and Siálkot (592) districts, and was light in the Simla (3), Kohát (74), Gurgáon (76), and Montgomery (96) districts.

The average duration of appeals was very high in the Simla (75), Karnál (66), Umballa (50) and Ráwalpindi (40) districts, and no sufficient reasons exist for such excessive delays as those shown in Simla, Karnál and Umballa.

Manner of disposal of appeals

53. The manner of disposal, in each of the two past years, was as follows:—

	Percentage. 1891.	1892.
Transferred	0·2	0·3
Summarily rejected under section 551, Civil Procedure Code	19·0	19·4
Struck off for default or under section 557, Civil Procedure Code, or otherwise not prosecuted ...	5·4	5·3
Order of lower Court confirmed, *ex parte*... ...	2·2	1·6
" " " after contest	37·1	35·3
" " " modified	9·0	9·2
" " " reversed	17·2	19·2
Remanded under section 562, Civil Procedure Code	9·9	9·7

Value and cost of appeals in District Courts.

54. The annexed statement gives details as to the value and cost of appeals, excluding cases transferred or re-admitted, in District Courts, with percentages of cost to value:—

Scale of valuation.	Number of appeals. In suits for money or moveable property.	In other suits.	Aggregate value of appeals. In suits for money or moveable property	In other suits.	Aggregate cost of appeals. In suits for money or moveable property.	In other suits	Average value of appeals. In suits for money or moveable property	In other suits.	Average cost of appeals. In suits for money or moveable property.	In other suits.	Percentage of cost to value. In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs	Rs.	Rs.	Rs	Rs	Rs	Rs.
Not exceeding Rs. 10	778	220	5,381	1,531	1,777	518	7	6	2	2	25	33
" " 50	2,868	732	82,789	22,729	12,493	3,668	28	31	4	5	15	16
" " 100	1,644	408	1,17,463	20,632	14,368	4,392	71	72	8	10	12	14
" " 500	1,345	20	2,72,254	5,586	31,070	247	202	279	23	12	11	4
Appeals of which the value cannot be fixed.	28	05	...	...	90	235	..	...	3	3	...	..
Total ... 1892 ...	6,663	1,445	4,77,887	50,478	59,798	9,060	71	41	8	6	12	15
Total ... 1891 ...	7,265	1,272	4,95,346	52,841	64,075	8,677	68	42	9	7	13	16

Miscellaneous appeals.

55. In addition to the appeals from decrees, there were 838 ap from orders which came before District Courts for posal during the year 1892, as compared with 841 in 1891. Of these, 772 were disposed of and 66 left pending at the close of the year. The average duration was 24 days, against 26 days in the year 1891.

B.—APPELLATE WORK OF DIVISIONAL COURTS.

Disposal of appeals from decrees in Divisional Courts.

56. The number of appeals from decrees pending from the previous year, the number instituted and disposed of during the year, and the number pending at the close of the year, in Divisional Courts, for each of the past two years, are given below :—

YEAR.	Pending from previous year.	Instituted re-admitted, &c., during the year.	Total for disposal	Disposed of.	Pending at the close of the year.
1891	2,005	7,023	9,028	7,551	1,477
1892	1,477	7,249	8,726	7,406	1,320

Details of working in each Division.

57. The following statement gives details of the number of appeals instituted, decided and pending, in regard to each civil division :—

DIVISION	Pending from 1891	Instituted, re-admitted and received by transfer during 1892.	Disposed of in 1892.	Pending at the close of the year, 1892.
Delhi	72	553	543	82
Umballa (assisted by Jullundur).	111	592	580	123
Jullundur	50	457	391	116
Hoshiárpur (including Kulu and special Court, Kángra).	134	717	768	83
Amritsar (assisted by Lahore and Jullundur) ...	311	735	878	168
Siálkot	66	691	551	206
Lahore	73	500	490	83
Ferozepore	142	530	617	55
Mooltan (assisted by Lahore)	196	393	495	94
Jhelum (assisted by Siálkot)	104	776	727	153
Ráwalpindi	67	385	373	79
Deraját	87	487	522	52
Peshávar	64	433	471	26
Total ...	1,477	7,249	7,406	1,320

Average duration.

58. The average duration of appeals in Divisional Courts shows great improvement. It has fallen from 117 days in 1890, to 89 days in 1891, and 76 days in 1892. The average duration was highest in the Mooltan (131), and Amritsar (106) divisions.

Manner of disposal

59. The following table shows how appeals were disposed of in Divisional Courts :—

	Percentage. 1891.	1892.
Transferred, struck off for default and otherwise not prosecuted...	5·0	5·9
Order of the lower Court upheld	60·6	59·7
" " " modified	7·2	7·2
" " " reversed	20·3	20·4
Cases remanded under section 562, Civil Procedure Code	6 9	6·8

60. The following statement gives the value and cost of appeals disposed of by Divisional Courts, with percentages of cost to value :—

Value and cost of appeals in Divisional Courts.

Scale of valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Not exceeding Rs. 10	4	922	38	4,679	13	4,029	9	5	3	4	86	34
" " 50	68	1,550	2,387	43,406	479	14,539	35	28	7	9	20	33
" " 100	121	900	8,761	65,762	1,441	15,288	72	73	12	17	16	23
" " 500	306	1,444	77,624	3,02,721	8,368	50,717	253	209	27	35	11	16
" " 1,000	180	148	1,21,024	84,068	14,654	12,835	672	570	81	86	12	15
" " 5,000	122	55	2,21,323	1,01,394	25,284	11,799	1,814	1,843	207	214	11	11
Appeals of which the value cannot be fixed	56	1,159	...	...	1,363	30,594	...	...	24	26	...	...
Total .. 1892 ...	857	6,178	4,31,157	6,02,030	51,602	1,39,801	538	120	60	22	12	23
Total .. 1891 ...	851	6,335	4,05,689	7,17,758	51,895	1,56,932	518	139	61	24	12	22

61. The number of appeals from *orders* for disposal before the Divisional Courts, rose from 789 in 1891 to 796 in 1892. Of these, 705 were from orders under section 588 of the Code of Civil Procedure and 91 from other miscellaneous orders. Seven hundred and seven of these appeals were disposed of, leaving a pending file of 89 cases at the close of the year. The average duration was 45 days, against 64 days in 1891.

Miscellaneous appeals.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT

62. The following figures give the institutions of civil business in the Chief Court for each of the last five years :—

Institution of civil business in the Chief Court.

Year.	Original civil suits.	Appeals from decrees.	Appeals from orders.	Applications for revision.	Miscellaneous cases.	
					References under sections 617 and 646 B of the Civil Procedure Code and sections 99 and 100 of the Tenancy Act.	Others.
1888	4	2,104	271	1,189	89	744
1889	5	1,282	143	1,838	91	784
1890	5	1,357	198	1,713	108	631
1891	5	1,272	207	1,738	111	542
1892	4	1,200	185	1,835	116	447
Difference in 1892 compared with 1891	−1	−72	−22	+97	+5	−95

63. The following table shows the number of appeals from decrees and orders above and below Rs. 5,000 in value, respectively :—

Appeals from decrees and orders.

		1891.	1892.
Appeals from decrees.	First appeals (where value of suit is Rs. 5,000 or more) ...	76	73
	Further appeals (where the value is under Rs. 5,000) ...	1,101	1,040
Appeals from orders	First appeals (where the value of the subject-matter is Rs. 5,000 or more, or from an order passed under a Special Act) ...	76	96
	Further appeals	126	87
Appeals on certificate of Divisional Judge		100	89

64. The following is a general statement of civil appellate work in the Chief Court, showing institutions and disposals, with the manner of disposal of appeals from decrees and orders :—

General statement of civil appellate work.

1	2	3	4	5	6	7	8	9	10	11	12	13
Description of appeals.	Year.	Number of appeals instituted.	Number of appeals for disposal.	Number of appeals disposed of.	Percentage of appeals. Transferred.	Dismissed for default.	Rejected.	Confirmed.	Varied.	Reversed.	Remanded.	Average duration.
First Appeals — From decrees ...	1891	76	167	74	9	7	5	31	19	18	11	477
First Appeals — From orders .	1891	76	98	56	4	5	30	11	5	18	27	130
First Appeals — Total ...	1891	152	265	130	7	6	16	22	13	18	18	328
First Appeals — From decrees	1892	73	166	76	8	5	8	43	9	20	7	449
First Appeals — From orders ...	1892	96	138	98	1	5	60	13	2	9	10	124
First Appeals — Total ...	1892	169	304	174	4	5	37	26	5	14	9	267
Further Appeals — From decrees ...	1891	1,196	2,289	1,130	.	3	30	31	6	24	6	327
Further Appeals — From orders ...	1891	131	179	133	2	1	58	10	2	12	15	146
Further Appeals — Total .	1891	1,327	2,468	1,263	...	3	33	29	6	22	7	308
Further Appeals — From decrees ...	1892	1,127	2,286	1,270	...	2	38	29	6	19	6	300
Further Appeals — From orders ..	1892	89	135	102	..	3	44	18	2	24	9	160
Further Appeals — Total ...	1892	1,216	2,421	1,372	...	3	38	27	5	20	7	290
Grand Total ...	1891	1,479	2,733	1,393	1	3	32	28	6	22	8	310
Grand Total ...	1892	1,385	2,725	1,546	1	3	38	27	5	19	7	287

Appeals for disposal and disposed of, pending file.

65. Tables A and B show, in abstract form, the total appellate business for disposal and disposed of, including the pending file at the close of the year 1891, and details of the pending file as it stood on the 31st December 1892.

A.—APPELLATE BUSINESS FOR DISPOSAL AND DISPOSED OF DURING THE YEAR 1891.

1	2	3	4	5	6	7	8
FOR DISPOSAL			DISPOSED OF				
Pending	Instituted.	Total	Rejected without summoning respondent.	By a single Judge after summoning respondent	By a Bench after summoning respondent.	Pending at the close of the year.	Total
1,340	1,385	2,725	618	182	746	1,179	2,725

B.—DETAIL OF PENDING FILE ON 31ST DECEMBER 1892, SHOWN ABOVE (COLUMN 7).

Appeals not admitted or rejected on 31st December 1892	Appeals admitted to a Bench.	Appeals admitted to a single Judge.	Total pending
267	825	87	1,179

Details of disposal of civil appeals

66. The following table gives details of disposal of civil appeals for each of the last two years :—

YEAR	NUMBER OF APPEALS			
	Rejected by a single Judge in Chambers.	*Decided in Court.*		Total.
		By a single Judge.	By a Bench.	
1891	454	200	739	1,393
1892	615	182	746	1,546

Further details as to the disposal of civil appeals are given in the following table :—

YEAR	CHAMBER WORK. *Number of appeals.*				Total	Number of appeals decided by Benches.
	Rejected at a preliminary hearing in Chambers.	Decided by a single Judge after notice to respondent.	Admitted to hearing before a Bench.	Admitted to hearing before a single Judge after notice		
1891	454	200	749	205	1,608	739
1892	618	182	650	169	1,619	746

67. The pending file compared with previous years, was as follows:—

Pending file.

Year.	Number of appeals pending.			
	In Chambers.	Before Court.	Over three months.	More than a year.
1890 ...	248	1,006	1,012	365
1891 ...	319	1,021	1,078	366
1892	267	912	907	315

68. The following table gives details regarding the value and cost of appeals decided during the year:—

Value and cost of appeals.

Scale of valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.		Average cost of appeals.		Percentage of cost to value.	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.
Not exceeding Rs. 10	...	19	...	113	...	201	...	6	.	11	...	178
" " 50	..	83	...	2,584	...	1,171	..	31	..	14	...	45
" " 100	...	95	...	7,079	...	1,443	..	75	.	15	..	20
" " 500	6	467	1,917	1,22 889	300	13,510	319	266	50	29	16	1
" " 1,000	14	196	9,208	1,54.380	1,054	9,522	657	788	75	49	11	6
" " 5,000	64	324	1,29,515	6,01,755	10,467	26,303	2,024	1,857	164	81	8	4
" " 10,000	18	24	1,39,032	1,72,357	9,415	6,621	7,730	7,182	523	276	7	3
" " 1,00,000	9	5	2,07,132	59,100	10,486	1,481	23,015	11,820	1,165	296	5	3
Exceeding " 1,00,000	1	...	2,44,168	...	5,092	...	2,44,168	...	5,092	...	2	..
Appeals of which the value cannot be fixed .	..	10	...	..	..	478	.	..	..	48	...	...
Total .. 1892	112	1,223	7,30,967	11,20,257	36.814	60,730	6,526	916	329	50	5	5
Total .. 1891	94	1,101	4,80,758	12,07,039	30,659	54,781	5,114	1,106	326	49	6	4

69. The following statement gives details of the disposal o applications for revision, under section 622 of the Civil Procedure Code, for each of the last two years:—

Revision.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Year	For disposal.			Sent to a Bench.		Rejected in Chambers.		Dismissed by a Bench.		Order of lower Court.		Remanded for fresh decision.	Total disposed of.	Pending at the end of the year.
	Pending from last year.	Instituted during the year.	Total.	Without calling for files.	After calling for files.	Without calling for files.	After calling for files.	In default.	On the merits.	Varied.	Reversed.			
1891	215	1,738	1,953	124	95	1,044	307	2	58	11	31	107	1,560	393
1892 ...	393	1,835	2,228	91	171	1,318	337	5	56	8	50	117	1,891	337

Security was demanded in 927 applications before admission.

70. Other civil business disposed of by the Chief Court, during each of the last two years, is shown below :—

Other civil business.

Description of suits.	1891.	1892.
Original matrimonial cases	3	4
References under section 17, Act IV of 1869	1	...
Uncontested applications for probate and letters of administration	11	17
Contested do. do. do. ...	...	...
References under section 617, Civil Procedure Code ...	7	6
Applications for review, for permission to appeal as a pauper, to stay execution of decree and other miscellaneous applications	723	567
Total ...	745	594

PART V.—GENERAL.

71. The annexed statement shows, for District Courts, the process-serving establishment, the number of processes issued and the receipts and expenditure for each of the years 1891 and 1892 :—

Process-serving establishment

Year.	Establishment.				Number of processes issued.			Value of stamps for the service of processes filed during the year.	Total expenditure.
	Názirs.	Náib-Názirs.	European process-servers.	Peons.	Civil.	Criminal	Revenue		
								Rs.	Rs.
1891	62	307	13	1,954	1,422,710	177,366	133,482	4,64,862	2,14,414
1892	62	315	13	1,956	1,643,205	181,253	167,909	4,71,944	2,26,761

In the Divisional Courts the sum of Rs. 6,555 was realized from process fees, while a sum of Rs. 3,308 was expended on the establishment and postage. In the Commissioners' Courts the sum of Rs. 3,662 was realized from process fees, while a sum of Rs. 1,425 was expended on establishment and postage. In the Chief Court the sum of Rs. 3,305 was realised on account of process fees, of which a sum of Rs. 235 was expended on postage. The net profit to Government was Rs. 2,53,737 during the year 1892, as compared with Rs. 2,57,000 in the year 1891.

72. The reports on the efficiency of the process-service establishments are more favourable. The increase in establishment and change of system are on the whole yielding satisfactory results. It is veryg enerally thought that the position of process-servers should be improved, but financial considerations render this difficult at any rate for the present.

Efficiency of process serving establishments.

Proposals are now before the Government for crediting all commission, levied on sales in execution of decree to Government, and improving the salaries of officers affected proportionately.

Several instances have come to light during the year in which Názirs or Náib-Názirs have mismanaged their accounts and embezzled public money. Steps have in all cases been taken to bring the offenders to justice. Measures have been taken to overhaul the accounts of all ministerial officers of Courts, and the subject of improving the system of accounts is under the consideration of the Judges.

73. The income for the last two years, in Divisional and District Courts from fees for the inspection of records, was as follows:—

Fees for inspection of records.

			Income derived from inspection fees.
			Rs
Divisional Courts	...	... 1891 ...	14,958
		... 1892 ...	9,752
	Difference	... ...	—5,206
District Courts	...	.. 1891 ...	9,772
		.. 1892 ...	15,336
	Difference	... ...	+5,564

74. Divisional and District Judges appear to have inspected courts subordinate to them as freely as possible, and the reports received from them have, in the main, been favourable. Such inspections are very useful, and it is to be regretted that the pressure of business is generally so heavy that sufficient attention can rarely be given to this important duty. The state of business in the Chief Court effectually prevents any Judge being at any time available for inspectional duty.

Inspection of Courts.

75. A special report on the working of the existing law of appeal down to the close of the year 1892, was submitted in my letter No. 496 G., dated the 26th January 1893; a further communication explaining the probable effect on the business of the Chief Court of assimilating the law of appeal in the Punjab to that in force in the Regulation Provinces, was submitted in my letter No. 1465 G., dated the 27th April 1893. These letters also deal with the question of the strength of the Court.

Proposed alteration in the law of appeal

76. The reports submitted from the following districts and divisions were carefully prepared and call for special notice:—

Divisional and District Reports noticed.

Districts.	*Divisions.*
Ludhiána.	
Gujránwala.	Umballa.
Hissár.	Deraját.
Dera Ismail Khan.	

The usual selections from divisional and district reports will be found in Appendix A.

I have the honour to be,

Sir,

Your most obedient servant,

E. W. PARKER,

Registrar, Chief Court, Punjab.

STATEMENT No. I.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES ON THE LAST DAY OF THE YEAR 1892.

1	2	3	4	5	6	7	8	9	10	11	12
Class of court.	Area.	Population	Number of divisions for Courts under Chief Court, but superior to Chief Courts of Districts.	Number of districts.	Number of sub-districts	Number of officers.		Total number of cases decided.			
								Original.		Appeal.	
						European.	Native	Regular.	Miscellaneous.	Regular.	Miscellaneous.
Honorary Courts	110,667	20,860,913	14	31	124	1	61	11,845	1,282	...	...
Paid Sub-divisional Courts: Munsifs ...						...	84	158,011	25,031	...	...
Paid Sub-divisional Courts: Tahsil						...	133	18,585	2,755	...	...
Small Cause Courts (including Registrars) ...						11	4	38,542	2,804	...	...
District Courts other than Chief Courts of Districts						22	94	20,499	4,625	...	...
Chief Courts of Districts						25	21	4,362	8,923	8,349	772
Total						59	397	251,844	45,420	8,349	772
Divisional Courts						14	...	6	2,626	7,406	707
Chief Court						5	...	4	17	1,346	200
Grand Total						78	397	251,854	48,063	17,101	1,679

STATEMENT No. II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Suits for money or moveable property													Other suits							
	Contract in writing													Suits for possession or recovery of immoveable property founded on							
Class of tribunal	Registered	Unregistered	Contract not in writing	On account stated	Money had and received	Goods sold	Wages, work and materials	Rent other than of land	Moveable property or value thereof	Damages	Other suits for money or moveables not already mentioned	Total	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Court under section 54, Punjab Courts Act	Contract	Inheritance	Gift	Right of pre-emption	River action	Other cause	Suits to recover possession of immoveable property under section 9 of the Specific Relief Act	Suits to compel specific performance of contract
Honorary Courts	136	3 761	1,989	3,529	8	171	58	79	604	61	62	10,458	.	413	148	5	105	20	274	8	5
Paid Sub-divisional Courts — Munsifs	1 124	64,922	20 750	36,063	226	2 247	1 279	1 569	9 472	997	777	139 420	1	1,891	1,080	16	501	.	2 303	106	15
Paid Sub-divisional Courts — Tahsil	85	2,369	2,116	2 463	9	49	148	146	1,024	128	198	8,735	3	2,591	1,418	24	929	6	2,844	345	8
Small Cause Courts	82	15,738	6 671	6 542	133	3 592	1,554	2 164	1,239	105	78	37 898								.	
District Courts other than Chief Courts of Districts	489	1,822	916	2,089	25	64	71	72	366	124	141	6,182	.	3,333	2,385	103	1,316	14	2,222	235	30
Chief Courts of Districts	201	341	118	434	3	6	3	6	68	27	39	1,246	1	381	381	24	393	4	276	11	35
Total	2,117	88,953	32,560	51,120	404	6,129	3,116	4,036	12,773	1,442	1,295	203,945	5	8,609	5,412	172	3,244	44	7,919	705	93
Divisional Courts																		..			...
Chief Court																		.	.	.	..
Grand Total	2,117	88,953	32,560	51,120	404	6,129	3.116	4 036	12,773	1,442	1,295	203 945	5	8,609	5,412	172	3,244	44	7,919	705	93

STATEMENT No. II—*concluded.*

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892.

Class of tribunal.	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	37a	38	39	40	41	42	43	44
	Other suits—*concluded.*																						
	Suits for declaratory decrees, under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgment, contracts, or obligations on the ground of fraud.	*Suits relating to betrothals, marriage, divorce and dower.* Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and castes.	Administration suits.	Succession certificate suits.	Inter-plunder suits.	Suits for dissolution of partnership.	Contested suits under Acts X of 1865 and V of 1881.	Any suits not included in the foregoing columns.	Total.	Grand Total.	Total number of suits shown in columns 2 to 7 which were brought by bankers or shopkeepers against agriculturists.
Honorary Courts	18	...	36	15	...	...	3	44	19	2	37	17	...	...	...	...	...	...	5	3	1,177	11,635	5,597
Paid Sub-divisional Courts — Munsifs	119	31	178	216	7	...	62	1.341	205	4	1.940	115	...	2	...	...	...	9	...	100	10.242	149,668	82,701
Paid Sub-divisional Courts — Tahsil	33	12	45	43	...	...	20	27	...	3	76	23	...	...	...	...	...	...	...	36	8,486	17,221	2,773
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	37,808	8,954
District Courts other than Chief Courts of Districts	470	57	621	405	12	3	48	213	741	16	97	56	1	...	3	...	...	16	1	54	12,452	18,634	3,260
Chief Courts of Districts	121	13	145	132	10	4	48	36	513	24	18	45	...	...	...	...	4	30	2	64	2,715	3,961	382
Total	761	113	1,025	811	29	7	181	1,661	1,478	49	2,168	256	1	2	3	...	4	55	8	257	35,072	239,017	103,667
Divisional Courts	...	...	...	...	...	...	...	...	...	8	..	...	...	...	...	...	...	...	..	4	7	7	...
Chief Court	...	...	...	...	...	...	...	...	..	4	...	...	..	...	..	...	...	...	...	...	4	4	...
Grand Total	761	113	1,025	811	29	7	181	1,661	1,478	56	2,168	256	1	2	3	...	4	55	8	261	35,083	239,028	103,667

STATEMENT No. II.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
	Under the Code of Civil Procedure.											Other Miscellaneous Cases.											
Class of tribunal.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal.	Applications under sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution, dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of, attached property under sections 278 and 187.	Complaints under sections 328, 332, 334 and 335, except when in case of obstruction by a claimant in good faith, the case is under section 331 to be registered as a suit.	Enquiries under section 258, on the application of the judgment-debtor, as to payment to the decree-holder.	Applications under section 401 for permission to sue as a pauper.	Applications under section 592 for permission to appeal as a pauper	Applications under section 623 for review of judgment.	Proceedings under sections 170, 174 and 613.	Total.	Cases regarding redemption of mortgage under Regulation I of 1798.	Cases regarding foreclosure of mortgage under Regulation XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property and for the revocation of such certificates, under Act VIII of 1890.	Applications regarding the care of lunatics' estates, and the guardianship of their persons under Act XXXV of 1858	Cases under Succession Certificate Act, VII of 1889.	Uncontested applications for probates and letters of administration, under Acts X of 1865 and V of 1881, as amended by Act VI of 1889, and applications for the revocation of such probates and letters.	Other cases connected with the custody and disposal of intestate property.	Cases under section 14 of the Legal Practitioners' Act, 1879.	Applications for certificates under section 40 (c) of the Punjab Courts Act.	Cases under the Land Acquisition Act, 1870	Miscellaneous cases not provided for in the foregoing columns.	Total.
Honorary Courts	160	.	676	373	2	5	11	...	40	1	1,268	..	...			..	...	...	...	...	...	5	5
Paid Sub-divisional Courts. Munsifs ...	2.151	22	11,157	9.617	48	269	574	10	450	136	24,434	...	..	.	...	..	..	..	4	...	...	265	269
Paid Sub-divisional Courts. Tahsil ...	613	9	1,463	403	5	14	17	7	109	6	2,646	...	..	..	...	...	..	...	...	...	...	102	102
Small Cause Courts ...	193	4	1,383	741	...	25	15	...	382	13	2,756	...	...	..	...	..	...	...	...	...	...	12	12
District Courts other than Chief Courts of Districts ...	1.143	20	1.611	1,114	34	23	361	2	126	11	4,445	...	...	..	..	12	...	..	..	...	...	77	89
Chief Courts of Districts .	453	216	600	536	3	5	177	12	168	1	2,171	82	2,332	740	33	3,123	100	...		.	...	256	6,666
Total ...	4,713	271	16.890	12.784	92	341	1,155	31	1,275	168	37,720	82	2,332	740	33	3,135	100	..	4	...	...	717	7,143
Divisional Courts ...	309	...	160	...	...	..	...	50	124	...	643	...	..	..	...	...	...	...	..	1,932	46	...	1,978
Chief Court	...		...	...	...	.	...	...	...	..	...	..	...	.	...	...	20	..	...	...	..	...	20
Grand Total ...	5,022	271	17,050	12,784	92	341	1,155	81	1,399	168	38,363	82	2,332	740	33	3,135	120	...	4	1,932	46	717	9,141

STATEMENT No. III.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER OF SUITS INSTITUTED.																							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50*				*Not exceeding Rs. 100.*				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000*				*Not exceeding Rs. 5,000*			
CLASS OF COURT.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property	Other suits.	For money or moveable property	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	2,653	90	29	2	5,292	200	104	38	1,760	165	55	24	742	237	106	44	11	28	12	...	...	...	...	..
Paid Sub-divisional Courts { Munsifs...	26,517	91	551	162	64,803	279	2,116	1,884	27,538	199	1,454	951	20,243	166	1,068	815	325	2	45	59	...	...	...	...
Paid Sub-divisional Courts { Tahsil ...	2,320	2.030	203	37	4,846	3,097	612	171	1,549	1,787	406	88	20	8	...	1	...	...	...	...	...	...	...	...
Small Cause Courts	9,826	...	...	...	21,747	...	...	...	3,878	...	...	...	2,447	..	..	...	...	...	...	...	...	...	...	..
District Courts other than Chief Courts of Districts	531	430	59	11	1,879	1,676	355	76	1,119	1,455	263	148	1,619	3,718	545	362	872	1,180	215	264	161	178	48	6
Chief Courts of Districts	13	11	...	2	40	82	14	5	45	92	13	120	136	431	56	107	409	277	43	129	531	470	68	85
Total ...	41,860	2,652	842	214	98,607	5,334	3,201	2,174	35,889	3,698	2,191	1,331	25,207	4,560	1,775	1,329	1,617	1,487	315	452	692	646	116	91
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	..	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..
GRAND TOTAL ...	41,860	2,652	842	214	98,607	5,334	3,201	2,174	35,889	3,698	2,191	1,331	25,207	4,560	1,775	1,329	1,617	1,487	315	452	692	648	116	91

STATEMENT No. III—*concluded.*

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892.

Class of court.	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
	NUMBER OF SUITS INSTITUTED—*concluded.*																			TOTAL VALUE OF SUITS.			
	Not exceeding Rs. 10,000.				*Not exceeding Rs. 1,00,000.*				*Exceeding Rs. 1,00,000.*				*Suits of which the value cannot be fixed.*			*Total.*							
	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
																				Rs.	Rs.	Rs.	Rs.
Honorary Courts ...	...	..	.	...	...	..	..	...	...	...	...	..	17	4	22	10,458	737	310	130	4,24,581	1,16,367	31,689	18,316
Paid Sub-divisional Courts { Munsifs	...	..		...	...	..	...	...	...	...	...	..	5	180	215	139,426	742	5,414	4,086	76,59,625	1,20,876	4,77,266	3,38,663
Paid Sub-divisional Courts { Tahsil	..	.	..	...	...	...	...	.	..	...	...	...	36	1	9	8,735	6,958	1,222	306	2,41,021	2,89,255	50,125	12,371
Small Cause Courts ...	...		.	..	...	...	...	..	...	..	...	..	...	...	...	37,898	...	...	...	14,24,224	..	...	...
District Courts other than Chief Courts of Districts ...	..	..	.	.	..	..	..	...	..	...	.	..	716	102	645	6,182	9,352	1,587	1,512	13,42,374	22,47,436	4,15,974	3,58,952
Chief Courts of Districts ...	43	29	8	6	28	23	14	8	1	1	...	...	208	25	389	1,246	1,624	241	851	24,95,261	26,19,881	9,80,178	6,30,605
Total ...	43	29	8	6	28	23	14	8	1	1			982	312	1,280	203,945	19,413	8,774	6,885	1,35,87,086	53,93,815	19,55,232	13,58,907
Divisional Courts ...	...	...	...	...	...	.		...	..		.	...	...	...	7	...	...	...	7	.	...	...	...
Chief Court ...	...	...	...	...	...	...	..	..	.		.	..	...	...	4	...	...	...	4	.	...	...	...
GRAND TOTAL ...	43	29	8	6	28	23	14	8	1	1	...	..	982	312	1,291	203 945	19,413	8,774	6,896	1,35,87.086	53,93,815	19,55,232	13,58,907

STATEMENT No. IV.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1892.

PART I.—*Civil Suits.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		Average number of days the parties or either or any of them had to attend Court.
		Transferred to Courts in other Provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	12,865	...	2,367	1,936	2,803	1,570	128	78	10	2,325	628	1,020	46	37	20	3
Paid Sub divisional Courts — Tahsil	19,635	...	4,414	3,114	3,176	1,538	322	199	52	3,814	1,956	1,050	44	35	23	3
Paid Sub divisional Courts — Munsifs	1,68,555	...	33,030	29,074	27,800	21,878	2,856	475	138	34,069	8,685	10,544	468	29	21	2
Small Cause Courts	40,891	...	7,288	5,867	8,060	6,711	454	71	24	8,095	1,972	2,349	95	20	16	2
District Courts other than Chief Courts of Districts	22,755	...	4,053	2,433	2,119	1,693	451	175	40	6,499	3,038	2,256	247	56	36	3
Chief Courts of Districts...	5,035	5	680	398	330	309	64	76	16	1,613	871	673	151	67	49	4
Total	2,69,736	5	51,832	42,822	44,294	33,699	4,275	1,072	280	56,415	17,150	17,892	1,051	33	22	3
Divisional Courts	7	...	1	1	...	...	1	...	...	2	1	1	...	55	14	2
Chief Court	8	...	...	1	...	1	...	...	...	1	1	4	2	205	268	3
GRAND TOTAL	2,69,751	5	51,833	42,824	44,294	33,700	4,276	1,072	280	56,418	17,152	17,897	1,053	31	22	3

STATEMENT No. IV.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PROVINCE OF THE PUNJAB IN THE YEAR 1892

PART II.—*Miscellaneous Cases*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of cases before the Courts	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year	AVERAGE DURATION OF SUITS.		Average number of days the parties or either or any of them had to attend Court.
		Transferred	Without trial	*Without contest*				*On reference to arbitration.*		*With contest*				Contested	Uncontested.	
				Compromised	Decreed on confession	Decreed *ex-parte*	Dismissed *ex-parte*	For plaintiff	For defendant	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	1,357		326	92	70	123	21	.		463	187	75		19	12	2
Paid Sub-divisional Courts { Munsifs	27,076		7,090	1,451	1,286	1,185	362	10	6	8,719	4,922	2,045	14	20	17	2
Paid Sub-divisional Courts { Tahsil	2,864	..	975	133	78	109	44	5	1	1,021	389	109	..	18	12	2
Small Cause Courts	2,948	...	935	222	217	150	32	1	...	882	365	144		17	14	2
District Courts other than Chief Courts of Districts . .	4,935		1,711	112	117	143	44	...	.	1,608	890	310	5	24	13	3
Chief Courts of Districts	9,715	...	1,845	164	598	.467	39	...	...	4,815	995	792	30	27	21	3
Total .	48,895	.	12,882	2,174	2,366	2,177	542	16	7	17,508	7,748	3,475	49	22	17	2
Divisional Courts	2,661	6	958	1	.	57	778	.	..	281	545	35	4	45	8	2
Chief Court	20	.	1		.	16	.	...		...	..	3		..	19	1
GRAND TOTAL	51,576	6	13,841	2,175	2,366	2,250	1,320	16	7	17,789	8,293	3,513	53	26	13	2

STATEMENT No. V.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS OF THE PROVINCE OF THE PUNJAB IN THE YEAR 1892.

PART I.—*Appeals from Decrees.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to Courts in other Provinces.	Decisions confirmed, section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted.	HEARD *ex-parte*.				CONTESTED.				Pending.	Number pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Objections allowed.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
Appellate Courts other than Chief Courts of Districts	1,206	...	254	56	58	5	14	3	323	116	201	145	29	3	28	...	...
Chief Courts of Districts	7,716	28	1,369	388	74	8	48	19	2,630	630	1,339	639	544	29	30	48	14
Total . ..	8.922	28	1,623	444	132	13	62	24	2,953	746	1,540	784	573	32	29	48	14
Divisional Courts—Appeals from original decrees	8.726	97	1.670	340	179	7	32	6	2,575	531	1.483	486	1.320	365	76	146	47
Chief Court ... { Ditto	166	6	6	4	...	...	...	...	33	7	15	5	90	72	449	1	...
Chief Court ... { Appeals from appellate decrees	2,286	5	480	30	..	...	1	...	361	70	243	80	1,016	800	300	7	2
GRAND TOTAL ..	20,100	136	3 779	818	311	20	95	30	5,922	1,354	3,281	1,355	2,999	1.269	79	202	63

PART II.—*Miscellaneous.*

Appellate Courts other than Chief Courts of Districts .. .	117	..	33	3	3	..	1	...	30	2	18	27	...	...	24	...	...
Chief Appellate Courts of Districts	721	2	134	50	20	...	7	10	159	10	109	154	66	2	24	...	...
Total ..	838	2	167	53	23	..	8	10	189	12	127	181	66	2	24	...	...
Divisional Courts—Appeals from original orders	796	12	197	42	27	1	12	4	177	16	120	99	89	14	45	1	...
Chief Court ... { Ditto	138	1	59	5	.	...	...	...	12	2	9	10	40	19	124	..	.
Chief Court ... { Appeals from appellate orders	135	...	45	3	...	.	...	...	18	2	25	9	33	16	160	...	...
GRAND TOTAL ..	1,907	15	468	103	50	1	20	14	396	32	281	299	228	51	61	1	...

STATEMENT No. VI.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF DECREES OF THE CIVIL COURTS IN THE PUNJAB DURING THE YEAR 1892

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Class of court	Total number of applications to execute decrees for disposal.	Applications disposed of										Realizations in decrees for money			
		By transfer under section 223	Satisfaction obtained in full		Satisfaction obtained in part.		Wholly unfructuous.	Pending at the close of the year	Pending over three months.	Pending over six months	Value of money decrees in execution	Amount realized *			
			Through the Court	Under section 258	Through the Court	Under section 258.						Without issue of coercive process	After issue, but without execution of process.	With the issue of process	Total realized.
											Rs	Rs	Rs	Rs.	Rs.
Honorary Courts	6,067	2	1,560	35	1,240	26	2,487	717	52	11	2,35,926	3,558	12,395	67,606	83,559
Paid Sub-divisional Courts. Tahsil ...	8,814	7	3,423	49	1,313	20	3,246	756	48	15	2,35,538	7,323	16,187	63,914	87,424
Paid Sub-divisional Courts. Munsifs ...	142,190	275	30,078	1,075	26,276	1,404	66,293	16,789	1,509	914	71,45,230	1,59,256	3,92,394	16,76,099	22,27,749
Small Cause Courts	22,640	937	4,951	1,483	4,760	1,330	7,491	1,688	61	6	6,92,242	73,758	38,471	1,63,505	2,75,734
District Courts other than Chief Courts of Districts	18,995	74	5,578	75	3,162	17	7,435	2,654	419	210	21,66,909	41,812	1,02,190	4,79,541	6,23,543
Chief Courts of Districts ...	5,555	72	1,459	68	772	25	2,248	911	205	161	31,24,244	1,33,466	92,697	6,37,853	8,64,016
Total ...	204,261	1,367	47,049	2,785	37,523	2,822	89,200	23,515	2,294	1,317	1,36,00,089	4,19,173	6,54,334	30,88,518	41,62,025

STATEMENT No. VI.—*concluded.*

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF DECREES OF THE CIVIL COURTS IN THE PUNJAB DURING THE YEAR 1892

Class of court	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	Number of applications													
	On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment	On which the judgment-debtor was imprisoned	*On which moveable property*		*On which*				*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was otherwise effected
				Was attached but subsequently released	Was sold	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under section 305 or section 306, Civil Procedure Code	Of moveable property.	Of immoveable property.			
Honorary Courts	1,842	176	11	1,741	331	278	...	107	2	2	123	1	...	5
Paid Sub-divisional Courts. { Tahsil ...	2,168	79	7	2,032	454	158	...	61	6	36	1,735	4	5	2
Paid Sub-divisional Courts. { Munsifs ...	43,286	1,977	219	28,618	7,220	4,770	71	2,041	166	203	2,023	27	11	...
Small Cause Courts	4,257	498	51	2,372	1,014	32	...	.	...	46	...	...	...	...
District Courts other than Chief Courts of Districts . ..	3,468	318	59	3,337	1,061	851	1	309	15	43	2,537	44	33	1
Chief Courts of Districts	1,325	69	31	709	408	227	1	150	9	48	576	12	16	6
Total	56,346	3,117	378	38,809	10,488	6,316	73	2,668	198	378	6,994	88	65	14

STATEMENT No. VII.

PROCEEDINGS IN INSOLVENCY, UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB DURING THE YEAR 1892.

PART I.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF									NUMBER OF INSOLVENTS BEFORE THE COURT.				DISPOSED OF.				
		Filed during the year.							Granted.		Rejected.											Discharged.		
		By judgment-debtors.																						
CLASS OF COURT.	Pending at the close of the previous year.	Under arrest or imprisonment	Not under arrest or imprisonment.	By decree-holders.	Received by transfer from other districts.	Total.	Transferred to other districts	Withdrawn or otherwise not prosecuted.	A Receiver being appointed.	A Receiver not being appointed.	Penal proceedings under section 359 not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the Magistrate to be dealt with.	Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer	Total	Transferred.	Died	Under section 351.	Under section 355	Remaining at the close of the year.
Courts other than District Courts specially empowered under section 360, Civil Procedure Code	49	4	146	1	..	200	...	80	18	24	31	...	...	153	47	41	30	...	71	...	...	22	13	36
District Courts	39	15	186	3		243	.	54	31	15	78	2	...	180	63	42	50	..	92	...	...	15	39	38
TOTAL	88	19	332	4	...	443		134	49	39	109	2	...	333	110	83	80	..	163	...	...	37	52	74

STATEMENT No. VII—*concluded.*

PROCEEDINGS IN INSOLVENCY, UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB DURING THE YEAR 1892.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvents' estates in the hands of Receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*			
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of the previous year	Admitted	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of Receivers at the close of the previous year.	Gross amount realized during the year	Total amount of disbursements.	Amount remaining in the hands of Receivers at the close of the year.
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs	Rs.	Rs.
Courts other than District Courts specially empowered under section 360, Civil Procedure Code	25	19	22	22	4,02,710	35,160	21,637	2,512	4,13,721	6,747	8.943	3.469	12,221
District Courts	25	29	17	37	1.09,852	24,571	4,486	31,154	98,783	2,629	7,844	7,411	3,062
Total ...	50	48	39	59	5,12,562	59,731	26,123	33,666	5.12,504	9,376	16.787	10,880	15.283

STATEMENT No. VIII.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1892.

1	2	3	4	5	6
			ASSESSORS' TRIALS.		
				Number of cases in which the Judge differed from	
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which the Judge agreed with assessors.	One assessor.	Both assessors
Divisional Courts acting under Act X of 1870	2	41	25	8	8

STATEMENT No. IX.

STATEMENT SHOWING THE NUMBER OF DAYS THE SENIOR JUDGE AND EACH OF THE JUDGES OF THE CHIEF COURT, PUNJAB, SAT IN COURT AND AT CHAMBERS IN THE COURT-HOUSE DURING THE YEAR 1892.

1	2	3	4	5		6
				Average length of daily sittings.		
Name of Judge.	Portion of year during which the Judge was, as such, present on duty.	Number of days on which the Judges sat in Court for hearing causes.	Number of days (if any) not included in column 3 on which the Judges sat in the Court-house for the transaction of administrative business.	(a) For hearing causes.	(b) For transaction of administrative business.	Remarks.
Sir Meredyth Plowden	28th July to 31st December 1892	72	3	7 hours.	6 hours.	There is ordinarily one meeting in each month of the Judges for the transaction of the more important administrative business. The current administrative business is transacted from time to time or daily by the Judges. The figures in columns 4 and 5 (b) show only the number of meetings of the Judges and their estimated average duration. The time spent by each Judge on current administrative business cannot be ascertained, nor is it always transacted in the Court-house. The holidays on which the Judges came to the Court-house to write judgments, &c., are not included in column 3.
Mr. Justice Roe	1st January to 8th May and 24th October to 31st December 1892 ...	124	5	Do.	Do.	
Mr. Justice Frizelle	Whole year	185	8	Do.	Do.	
Mr. Justice Benton	Do.	181	6	Do.	Do.	
Mr. Justice Rivaz	Do.	180	4	Do.	Do.	
Mr. Justice Stogdon	1st January to 23rd October 1892.	166	4	Do.	Do.	
Mr. Justice Bullock	9th May to 27th July 1892.	51	...	Do.	Do.	

SUPPLEMENTARY STATEMENT A.

STATEMENT SHOWING THE VALUE OF THE SUITS INSTITUTED IN THE DISTRICTS OF THE PUNJAB FOR THE LAST THREE YEARS

District	1890.	1891.	1892.
	Rs.	Rs.	Rs.
Delhi	20,22,477	20,34,334	15,74,103
Gurgáon	1,93,755	2,05,777	2,54,862
Rohtak	2,64,752	3,34,412	3,65,520
Karnál	2,39,526	3,21,421	4,93,431
Umballa	10,11,555	8,42,863	10,28,719
Ludhiána	6,39,163	7,57,141	8,07,703
Simla	2,97,954	2,19,591	2,91,446
Jullundur	8,96,869	11,76,568	11,04,913
Hoshiárpur	11,47,206	10,50,686	11,52,012
Kángra	4,05,870	4,53,186	2,80,262
Kulu	35,286	28,641	34,476
Amritsar	13,74,447	14,80,884	14,32,608
Gurdáspur	11,48,839	11,49,846	11,14,917
Siálkot	11,51,029	12,14,306	12,88,660
Gujránwála	12,30,140	13,82,364	10,02,666
Lahore	26,80,211	16,03,374	17,62,953
Ferozepore	8,66,583	9,45,125	9,03,782
Hissár	2,38,976	4,20,449	4,36,573
Mooltan	7,89,346	7,06,777	12,98,544
Jhang	3,55,526	4,93,961	4,53,105
Montgomery	3,71,924	2,84,419	5,50,520
Muzaffargarh	2,97,225	3,45,755	3,03,652
Jhelum	4,48,177	5,68,021	5,26,785
Gujrát	4,76,726	3,70,096	6,11,189
Ráwalpindi	12,27,558	9,26,076	10,05,965
Shahpur	4,91,826	4,19,698	2,92,481
Dera Ismail Khan	6,06,908	5,35,058	3,68,199
Dera Gházi Khan	2,28,404	1,85,479	2,51,891
Bannu	2,75,474	3,29,662	2,81,507
Peshávar	6,47,808	5,67,213	5,81,378
Hazára	2,66,285	3,76,089	3,11,087
Kohát	1,31,543	90,624	1,29,131
Total	2,54,59,368	2,18,19,896	2,22,95,040

APPENDIX A. TO THE CIVIL REPORT FOR THE YEAR 1892.

EXTRACTS FROM DIVISIONAL AND DISTRICT REPORTS.

APPENDIX A.

Extracts from the Annual Civil Reports of Divisional and District Judges.

I—ORIGINAL SUITS—INSTITUTIONS.

DISTRICT JUDGE, KARNAL.

(Mr. W. Chevis.)

The total number of regular suits instituted during the year under report was 3,116 as against 3,820 in the year before. The state of litigation in this district during the five preceding years was as follows :—

1887	2,802
1888	3,088
1889	2,823
1890	2,440
1891	3,820

These figures give an average of 2,994 or approximately three thousand per annum, so that the number instituted during the year represents nothing abnormal when compared with the average for the past five years, and nearly corresponds with that for the year 1888, while contrasting the figures for the past year with those of 1891, a decrease of 704 is visible. In my Civil Report for the preceding year, I attributed the abnormal state of institutions exhibited by the returns, to favourable harvests, in which money-lenders seized the opportunity of recovering the loans made to agriculturists, but the falling off during the year which, as regards harvests, was just as favourable as the one preceding, shows that we have to seek for some other reason for these fluctuations.

The chief part of the litigation consists of suits for recovery of money advanced, and the increase and decrease in institutions depends, I think, a good deal on the number of contracts of which limitation expires in any particular year; fluctuations must, therefore, be expected, though I own that this is not a sufficient reason to account for the large increase last year.

In my opinion the large number of institutions in 1891 was partly caused by the small number in 1890, but for what reason creditors waited till 1891, instead of bringing their suits in 1890, I cannot say.

DIVISIONAL JUDGE, UMBALLA.

(Mr. G. L. Smith.)

Umballa District.—The increase of about 1,200 institutions in 1891, as compared with 1890, and of about 800 in 1892, as compared with 1891, (most of which increase is in suits by money-lenders against agriculturists) is probably due, as implied by the District Judge, to the ordinary action of the Courts having been thrown out of gear by the *punchayat* system, referred to in last year's report. Institutions were hindered by that system, but since it has ceased they are increasing. The other reason assigned by the District Judge, *viz.*, high prices of food-grains, does not commend itself to me. The agriculturists benefit by the high prices of agritcultural produce.

DISTRICT JUDGE, UMBALLA.

(Mr. A. C. Marshall.)

The institutions for the last three years were as follows :—

1890	9,195
1891	10,424
1892	11,288

The increase is in the institution of suits for money or moveable property by bankers or shop-keepers against agriculturists. The comparative figures for the past three years are 4,093, 5,098 and 5,826 respectively. The principal reason for the increase appears to me to be the fact of persons having claims launching them into Court, instead of waiting till the period of limitation nearly expired, a feeling of uncertainty in regard to civil claims still remaining.

The second reason is the large increase in price of food-grains, resulting in a large number of suits being filed, and the debtors failing to meet their liabilities.

DISTRICT JUDGE, SIMLA.

(Mr. J. E. Rowe.)

The number of original civil suits instituted in the year 1892 amounted to 2,074. Though the year thus shows 267 more suits than in the previous year, still the institutions fell far short of the figures indicative of the normal condition of the litigation in the district, *viz.*, 2,200 to 2,300.

The increase occurred chiefly in the Cantonment Small Cause Court, though also in the Assistant Commissioner's Court. In each of the other Courts, excepting the Sadr Small Cause Court, where a nominal improvement is noticeable, there was a falling off; in the District and Tahsíldárs' Courts to a considerable extent.

DISTRICT JUDGE, JULLUNDUR.

(Lala Lachman Das.)

The figures for the year under report show an increase of 435 cases or a little more than 3 per cent. against the figures of the preceding year.

The increase is distributed thus—

Firstly.—In suits for money or moveables an increase of 331 cases or 3 per cent. approximately of such suits.

Secondly.—In other suits 104 or 4·6 per cent. approximately of such suits.

In the former class of suits this increase is chiefly to be found in suits of values ranging between Rs. 50 and Rs. 500. The total increase has not been, however, at all abnormal, so as to require any reason.

The number of institutions this year has barely come up to the number of 1890, while it is still short of the numbers in 1889 and 1888, and of the average for the last four years, which is 13,385.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. G. W. Rivaz.)

The falling off in Hoshiárpur is 3 per cent. as compared with the preceding year, and in Kángra it is nearly 8 per cent. In both cases the unhealthiness of the year is mentioned as a cause of the falling off and this is borne out by a comparison of the figures in the table.

DISTRICT JUDGE, GURDASPUR.

(Syad Muhammad Latif.)

There is a decrease of 1378 or 8·98 per cent. in the total number of institutions compared with 1891, and of 1652 or 10·06 per cent. as compared with 1890. The decrease is confined mainly to small cause suits, the institutions for the year under that head being 12,061 as against 13,581 in 1891, showing a decrease of 1520 or 11·12 per cent.; and as against 13,769 in 1890, showing a decrease of 1708 or 12·45 per cent.

The decrease has reference to suits for money based on contracts in writing and on contracts not in writing, wages, moveable property or value thereof and damages.

But there is an increase of 142 or 8·05 per cent. in the institutions of suits relating to landed property, and other suits exceeding Rs. 500 in value, compared with 1891.

The large falling off during the last two successive years in suits for money based on contracts in writing, and on contracts not in writing, as compared with 1890, is due partly to the change made in the law regarding the attachment of the moveable property of agriculturists, by section 28, Act VII of 1888, and section 70, sub-section (2) of the Punjab Land Revenue Act, 1887, which exempt from attachment and sale such cattle and seed grain as may be necessary to enable them to earn their livelihood as such, and so much produce of land as may be necessary for the subsistence, until the harvest next following, of themselves and their families; and partly to bad harvests in *kharíf* 1891 and *rabi* 1892, and an unusually severe and protracted sickly season in the second half of the latter year. It would, at first sight, seem strange that the same causes should not have operated towards the decrease in the number of suits on accounts stated (which show an appreciable increase), while suits relating to landed property have increased by 142. The anomaly is thus explained. The *baniás* have lost all confidence in the agricultural classes owing, in a great measure, to the change in law just referred to. They therefore closed their accounts in an unusual number in their *bahís* and then hastened to Courts for decrees. These being secured, their next concern was to compel *zamíndárs* to mortgage lands. But the mortgagors creating obstacles in the way of possession, the thrifty *bania* now considered it more expedient to have recourse to the specific relief law, thus avoiding the expenses of full duty on a regular suit. Hence the increase in the latter class of suits, and the variation in the number of small cause suits based on contracts and on accounts stated.

DISTRICT JUDGE, GUJRANWALA.

(Colonel R. T. M. Lang.)

The decrease was chiefly in Small Cause cases, which is attributable to the unfavorable state of crops and the prevalence of sickness during the past year.

DIVISIONAL JUDGE, LAHORE.

(Colonel C. H. T. Marshall.)

Lahore District.—Institutions decreased by 552 when compared with those for 1891, but there were 85 more than there were in 1890.

The decrease was due to sickness in the district during the rains, and scarcity in some parts, especially in Sharakpur tahsíl. The appeals fell off considerably in December and January last.

It is probable that, owing to the scarcity, money-lender saw no advantage in putting indigent debtors into Court.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

From August 1892, when there was a good deal of cholera about the villages, the institutions began falling off perceptibly and continued to fall through the remaining months of the year, owing to the very general prevalence of fever throughout the district. I therefore attribute the decrease in the institutions to the general sickness that prevailed in the autumn and winter months, and to the widespread scarcity that prevailed, which obliged the taking of loans rather than the repaying of such as had been already taken.

DIVISIONAL JUDGE, FEROZEPORE.

(Mr. C. P. Bird.)

There is a considerable decrease in institutions in the Ferozepore district, and increase in the Hissár district. The District Judges give contradictory reasons for the increase and decrease. The steady increase in suits for money or moveable property and in the suits for foreclosure in the Hissár district, is fully explained by the District Judge of that district.

DISTRICT JUDGE, FEROZEPORE.

(Mr. H. S. Smith.)

The number of suits instituted during the year was 10,017, as against 11,240 in the previous year, showing a decrease of 1,223 suits, which is undoubtedly due to the exceptional prevalence of sickness during several months of the year. The institutions were considerably below the average of the past four years.

DISTRICT JUDGE, HISSAR.

(Mr. A. Anderson.)

On the whole it seems that suits for money increase (1) in good years: and also (2) when there has been a succession of bad years; the causes (1) being the existence of the means for satisfying the decrees, and (2) the pressure of the period of limitation. On the other hand suits for money secured on land will probably increase in bad years. Under any circumstances there has been a large increase in the institutions in this district in 1892. There has been a steady increase since 1889. In 1891 the number was the same as in 1885, but 1892 is an absolute maximum.

The last three years have been only average or below the average for agriculturists. There has not been a good *kharíf*, until 1892, since 1887.

DIVISIONAL JUDGE, MOOLTAN.

(Mr. J. A. Anderson.)

With the exception of the Mooltan district, which shows an increase in the number of institutions, each of the remaining three districts shows a large falling off in the number of institutions during 1892. The District Judges of the three districts attribute the decrease to the bad harvests of the year and to the prevalence of epidemics.

DISTRICT JUDGE, JHANG.

(Kazi Muhammad Aslam.)

Fewer plaints were filed in 1892 than in 1891 in consequence of the bad harvests, by which people were restrained from bringing suits, knowing that decrees passed in their favour would remain unsatisfied. The cholera and fever which prevailed for several months were also detrimental to the institution of suits. Moreover, the institutions of criminal complaints under section 465, Indian Penal Code, in 1891 and 1892, in which several of the accused were convicted, and the greater care which most of the Courts in this district now take in conducting enquiries have, to some extent, put a stop to the institution of suits on forged bonds and entries in account books.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy.)

No doubt a comparison of the figures for the last four years shows a tendency towards a steady decrease, but the decrease of this year has been mainly due to the prevalence of cholera and fever, and to drought resulting in agricultural distress. But for these causes it is very probable that the number would have gone up.

DIVISIONAL JUDGE, JHELUM.

(Mr. F. D. O'Bullock.)

The District Judges of Jhelum and Gujrát do not give any reason as to the decrease in their districts. The report of the Shahpur district attributes the decrease in the district to good harvests in the year under report and the free and liberal grant of *takávi* advances, thus enabling the *zamindárs* to pay off their debts and saving them from the necessity of contracting loans.

It appears, however, that as a fact the harvests of the past year were poor. The continued prevalence of cholera and fever may have had an appreciable effect on the number of suits of the classes which exhibit a decrease.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. DeCourcy.)

Suits for money or moveable property are 490 under last year. The decrease is due to the prevalence of cholera and fever in the district.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson.)

The most remarkable feature of this year's returns is the extraordinary decrease in the number of suits instituted, as shown in the following table :—

Statement showing institution of Civil suits from 1886 *to* 1892.

Year	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	Total.
1886	4,899	319	204	163	5,585
1887	5,148	327	239	115	5,829
1888	4,596	370	178	78	5,222
1889	4,995	426	213	113	5,747
1890	6,004	428	326	155	6,913
1891	4,326	457	212	148	5,143
1892	3,174	391	164	147	3,876
Total	33,142	2,718	1,536	919	38,315
Average of 7 years	4,735	388	219	131	5,473

From these figures it appears that the number of institutions remained fairly constant from 1886 to 1889, then increased with a bound in 1890, decreased still more suddenly in 1891, and again shows a very large decrease in 1892. The variations are almost entirely in suits for money or other moveable property, under which head the number of institutions in 1892 is little more than half what it was in 1890. The only reason that I can suggest for the very marked increase in 1890 is that the seasons 1886 and 1887 were very unfavorable to the peasants, who borrowed largely from the money-lenders in those years, and their creditors may have found it necessary to bring suits in 1890 to avoid their claims being barred by limitation. In 1891 the number of institutions fell back again to below the normal, and no doubt one reason for this was that the bumper *rabi* harvest of 1891, accompanied as it was by high prices, enabled many of the peasants to satisfy their creditors for the time without going into Court. On the other hand the *rabi* harvest of 1892 was one of the poorest seen of late years, and creditors may have thought it useless to press their debtors at such a time, but no doubt the chief cause of the extraordinarily small number of institutions in 1892 was the exceptional unhealthiness of the year. In the hot weather months cholera attacked some 6,000 persons and carried off about 3,000, and after the excessive rains of July and August fever was so prevalent that probably not ten per cent. of the population escaped an attack, and a very large proportion were more or less prostrated for the time; so that there was little inclination to take long journeys in order to bring cases into Court. Probably a number of the cases thus delayed will be brought this year. On the other hand the bumper harvest now promised may stave off a number of cases, so that on the whole the number of institutions this year will probably be about 5,000. If the above analysis of causes be well founded, it seems that either a very bad or a very good harvest is likely to cause a diminution in the number of civil cases instituted as compared with a year of normal harvests, and that in 1895, when the period of limitation approaches for the debts incurred during the bad year 1892, the number of institutions is likely to increase to something like 7,000.

DIVISIONAL JUDGE, DERAJAT.

(Mr. A. Christie.)

The numbers instituted in each district, during the past two years, were as follows :—

	1891.	1892.
Dera Ismail Khan	6,492	5,450
Dera Ghází Khan	4,690	4,685
Bannu	5,007	4,660

The decrease in Dera Ghází Khan is very slight and calls for no special remark. In Dera Ismail Khan there has been a considerable falling off in institutions, amounting to 1,042 cases, or 16 per cent.

Mr. Gee, the District Judge, explains the decrease as due to three causes, cholera, floods and fever, and remarks as follows :—

" Cholera broke out in the district in June, in the tahsíls of Tank and Kuláchi, and eventually spread to Dera city, nor did it finally disappear till October. Rain and floods were unprecedentedly heavy during the hot weather and the hill streams made many roads impassable trans-Indus. Malarial fever was, as a natural consequence, much worse than usual in the autumn."

These causes no doubt to a great extent account for the decrease, but to these may be added the scarcity that has been prevailing in the district since August last.

Bannu also shows a noticeable decrease of 347 cases or 7 per cent., and the District Judge has explained it as being due to the prevalence of cholera and fever, and to the rise in the price of food-grains.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. H. W. Gee.)

The total number of institutions for the past three years has been as follows :--

1890	6,388
1891	6,492
1892	5,450

There has therefore been a decrease of about 15 per cent. on last year, and the figures for 1892 are below normal. The decrease is undoubtedly due to three causes,—cholera, floods and fever.

Cholera broke out in the district in June, in the tahsíls of Tánk and Kuláchi, and eventually spread to Dera city; nor did it finally disappear till October.

Rain and floods were unprecedentedly heavy during the hot weather and the hill streams made many roads impassable trans-Indus. Malarial fever was, as a natural consequence, much worse than usual in the autumn.

The number of cases readmitted rose from 302 in 1891 to 439 in 1892. Institutions in the District Judges' Court fell from 128 to 93, a decrease due to the fact that for five weeks during the year, between reliefs of officers, there was no District Judge.

DIVISIONAL JUDGE, PESHAWAR.

(Mr. W. O. Clark.)

In Peshâwar the rise in institutions is remarkable, the increase being 973, as compared with the previous year's figures, and 651, as compared with the average for the last five years; but the number for 1892 is nearly the same as that for 1888. The increase is chiefly in suits otherwise than on bonds and in those for immovable property, which have risen by 461 and 310 respectively. The District Judge notes that he has made enquiries but has found no satisfactory reason for the variations. In Hazára there was a decrease of 51 suits only, compared with 1891, but the number is nearly the same as in 1890 and calls for no explanation.

The decrease was noticeable in suits otherwise than on bonds (*vide* Subject II.)

In Kohât the figures for 1892 appear normal considering the average of five years. The increase of 272, as compared with 1891, was chiefly under the following heads :—

suits on unregistered bonds ;

suits otherwise than on bonds ;

suits for moveable property or value thereof, (*vide* Subject II.)

II.—CLASSIFICATION OF ORIGINAL SUITS

DIVISIONAL JUDGE, UMBALLA.

(Mr. G. L. Smith.)

Ludhiána.—The District Judge has sufficiently discussed the variations under the several heads. They are mostly unimportant. The principal variation is in the steady decrease of suits by money-lenders against agriculturists. The reason assigned, namely the prosperity of the latter over the high prices prevailing, is one of the very reasons assigned by the District Judge of Umballa, (under head I) for *increase* under this head. This corroborates my view (expressed under head I) that the only cause of the increase in Umballa is reaction after the repressive *punchâyat* system.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

Suits by bankers and shopkeepers against agriculturists reached the highest figure in 1890. After that there has been a steady decline. Possibly the reason may be that on account of the extensive purchases of wheat in this district by exporters, the *zamíndárs* have been better able to keep their monetary engagements with creditors. But it is also possible that the figures for this class of suits are not over reliable. I intend issuing some instructions now to secure a more accurate and prompt registration of these suits.

DISTRICT JUDGE, JULLUNDUR.

(Lala Lachman Das.)

There has been a remarkable increase in suits on "accounts stated," while suits on registered and unregistered bonds and on oral contracts have all fallen more or less. This seems due (*a*) to the facility and cheapness with which professional money-lenders can arrange to obtain documents called "accounts stated" or "balances struck," and (*b*) o the spread of education; debtors being able to sign or write their accounts and hus do away with the necessity of attested bonds.

Of 10,183 suits, in columns 2 to 7, 5,271,—that is about 51 per cent. of these suits and about 40 per cent. of the whole institutions,—were brought by bankers and shopkeepers.

The figures for the previous year were 6,578. The decrease is, I am assured, due to the fact that all suits brought by occasional money-lenders and by persons other than shopkeepers and bankers, for value of cattle sold, were last year shown under this column, together with the suits brought by shopkeepers and professional money-lenders.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. G. W. Rivaz.)

In both districts fewer suits of the small cause class were instituted last year than in any of the four previous years. The District Judge of Hoshiárpur points out that in that district there are increases in suits on bonds and to recover the price of goods sold, and decreases in suits to recover oral debts and moveable property. In Kángra there is a falling off both in suits on bonds and in suits to recover debts not secured by bonds. Both districts show large fallings off in suits by money-lenders and shopkeepers against agriculturists.

In suits of other descriptions the number instituted in the Hoshiárpur district was above the average of the four previous years, and there was a considerable increase in the number of suits relating to assessed land. I am glad to notice a large decrease in suits to recover wives, which in this district are mostly only attempts to get possession of the widow of a deceased brother or near collateral. In the Kángra district the revision of revenue records for settlement purposes led to a large number of suits relating to land in 1888 and 1889. The figures for the present year are very slightly above those for 1890, which, as already remarked, was likewise a year of cholera and severe fever.

DISTRICT JUDGE, KULU.

(Mr. H. A. Rose.)

There is a very marked decrease in suits relating to betrothals, &c., (from 57 to 31) especially in suits to enforce matrimonial rights (34 to 10). The fact is that proceedings under sections 498—497, Indian Penal Code, are cheaper, and more effective than a civil suit to recover damages, and the Kulu *zamíndárs'* sole object in coming into Court in such cases is to enforce the payment of compensation by the person or persons who have deprived him of his wife's services as a field labourer.

I see little objection to this resort to prosecutions under these two sections except, perhaps, the loss of revenue on Court-fee stamps. As the offences are compoundable the practice cannot be prevented, and one desirable result is that the sale of a woman,—a form of marriage perfectly valid by custom,—gets registered in the deed of compromise, which becomes in fact a deed of sale.

I agree with Mr. Fenton's remarks in last year's report that such sales of women must in practice be recognized, and it will be many years before it can be desirable to refuse to do so. Such sales are really on a different footing from the traffic in girls in the Plách tahsíl.

Suits by money-lenders have fallen off from 120 to 94. Fluctuations in this class of cases are common and hard to explain satisfactorily.

DISTRICT JUDGE, AMRITSAR.

(Lala Buta Mal.)

There is a growing tendency to produce account books, not as the chief item of proof, but as corroborative evidence in support of bonds.

As compared with the year 1891, there is a marked increase, 48 per cent., in the number of suits for moveable property or its value, but this increase is noticeable only during the last five years. In 1887 the number was 701, showing a difference of 328 as compared with the year 1889, and of 203 as compared with the year under report. In the absence of proof to the contrary, such abnormal variations raise doubts as to the accuracy of the figures. Despite precautions taken under the orders of the District Judge, perfect accuracy in statistics can never be attained unless presiding officers personally notice startling variations and check the figures of their respective Courts. There can be no doubt that in the preparation of returns greater care is taken from year to year, but it can never be safe to leave the work to clerks and the statistic-writer.

The fluctuations under the head of suits by money-lenders against agriculturists are normal, but it is noticeable that the number of such suits has been increasing during the last six years, and this notwithstanding that, in the matter of the attachment of crops and lands, agriculturists are specially protected by law.

DISTRICT JUDGE, FEROZEPORE.

(Mr. H. S. Smith.)

It is unsatisfactory to note that, notwithstanding the decrease in litigation during the year, the number of suits brought by money-lenders against agriculturists has risen from 3,231 to 4,495, which indicates the increasing indebtedness of the agriculturist class.

DIVISIONAL JUDGE, MOOLTAN.

(Mr. J. A. Anderson.)

Jhang District.—There was a large falling off in the number of suits brought by bankers or shopkeepers, *viz.*, from 2,637 to 1,608. This decrease has been attributed by the District Judge to the institution of complaints under section 465, Indian Penal Code, in which several convictions were procured. If this explanation be correct, there must have been a large proportion of false suits instituted formerly.

DISTRICT JUDGE, JHANG.

(Kazi Muhammad Aslam.)

Another reason for the decrease of cases under heads "unregistered bonds" and "moveable property or value thereof," and one which is very satisfactory to the working of the Courts, over which strict supervision has been exercised, is that such cases fell off owing to great care having been taken to suppress cases of forgery and false claims for recovery of cattle which used to be brought by the *bania* against the poor agriculturists or nomads of the Bár. It has been the habit of the *bania* in this district, that if their cattle was stolen and was not recovered, they would make an entry in their books that the person whom they suspected of stealing the cattle, had purchased the animals from them, and after a year or so would bring a suit for the recovery of the value of the animals, but I am glad to say that they have now found out that it is not so easy for them to prove their false claims. They have also learnt that the Courts view such account books, as they generally keep, with some suspicion, and this has induced them to refrain from putting the people into Court on false entries made in their *bahís*.

DISTRICT JUDGE, MONTGOMERY.

(Mr. T. J. Kennedy.)

The most noticeable decrease is in the number of suits "for moveable property or its value," and the reason for this has been given under the head of institutions generally, namely, the unusual unhealthiness and drought of the year under report. During seasons of public distress from epidemics and drought, only the most unavoidable litigation is taken in hand.

DISTRICT JUDGE, MUZAFFARGARH

(Sardar Gurdial Singh.)

The falling off was in all classes of suits for moveable property and also in suits for possession of immoveable property, and is attributed wholly to the bad *rabi* and *kharíf* crops of the year and to the heavy floods which did much damage to the crops and cattle, in consequence of which contracts for money and moveable property as well as those for possession of immoveable property had to be suspended, as nothing could be gained by litigation.

DISTRICT JUDGE, RAWALPINDI.

(Lala Narain Das)

The rise in suits on contracts not in writing may perhaps be rightly attributed to the execution during the year of large public works of both the Military and Railway Departments, which resulted in transactions that were generally not reduced to writing.

As regards the falling off in the number of suits, it may be said that registered bonds are not much in favor with the majority of creditors, more especially in cases of petty loans. The only material advantage that they may be said to possess in the eyes of the public is that they secure a longer period of limitation, but the tendency of the times is against this advantage, not to speak of the loss it is felt to occasion in the shape of interest and the trouble and inconvenience attending on registration. Besides, a creditor with a longer period of limitation to run stands in a disadvantageous position as compared to another who deals with the same debtor, and who, on the plea of limitation expiring, has to dun his debtor with demand of payment.

Speaking from my experience of this district, I think a decline in suits on "account stated" is no particular cause for congratulation. I think there is a much greater number of false suits instituted on bonds than on book accounts.

DIVISIONAL JUDGE, DERAJAT.

(Mr. A. Christie.)

The number of suits brought by bankers or shop-keepers against agriculturists in each district during the past three years was :—

	1890.	1891.	1892.
Dera Ismail Khan	3,704	4,066	2,361
Dera Ghází Khan	2,368	1,718	1,457
Bannu	1,738	1,475	1,178

The decrease was general throughout the Division, the largest being in Dera Ismail Khan, of 1,435 cases. Mr. Gee, the District Judge, has failed to account for the decrease, but, as far as I can learn, the decrease is mainly due to the reason advanced by the District Judge of Dera Ghází Khan for the decrease in that district. Mr. Birch says :

"I have made careful enquiry about the cause of the steady decrease under this head but have failed to obtain any satisfactory explanation. The opinion has been advanced that the number of needy landholders is steadily decreasing and their lands are passing into the hands of others, who have other means of livelihood and have no need to borrow, or if they do borrow, are not classed as agriculturists, being bankers, traders and officeholders. There may be some truth in this."

There is undoubtedly great truth in this. A very large portion of the land in the Division is held by money-lenders on mortgage, the owners cultivating as tenants of the mortgagees, who take no active part in the management and merely receive a share of the produce each harvest.

The decrease in Bannu has been explained by the District Judge as being due to destruction of harvests by locusts, prevalence of cholera and fever and high prices of food-grains.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. H. W. Gee.)

Suits between bankers and agriculturists are lower than they have been in any year since 1888, whereas last year they were correspondingly higher. The decrease this year is 35½ per cent. It is very difficult to give good reasons for these variations. The people of the Thal and the Káchhi are much in debt, and the villages of the trans-Indus Daman reaped a very good *kharif* harvest this year. The latter lie within the Dera Munsif's jurisdiction, the former mostly in that of the Karor Munsif; yet the figures have declined in both as follows :—

	1891.	1892.
Munsif' Dera	1,602	1,352
Munsif' Karor	1,892	1,092

My conclusion is that failure or success of particular harvests has little effect on the debt litigation of the general mass of agriculturists. Other decreases are normal and are in keeping with the general decline in litigation in the district.

DISTRICT JUDGE, BANNU.

(Mr. A. Bridges.)

In Table III there has been a slight increase of 74 institutions in the total, over the total of last year. In cases for betrothal, marriage rights, &c., the figures this year are much higher than those of the three preceding years, being 283 as against 198, 199 and 177 in the years 1891, 1890 and 1889 respectively; and I think I can prophesy that the figures will be just as large, if not larger, next year. The fact of the matter is, that, when decrees have been given for the enforcement of matrimonial rights, the Courts have no power of enforcing their orders except by imprisonment, and this method of execution is deprecated, and, under section 341 of the Civil Procedure Code, when a person has been once imprisoned in execution of a decree, he cannot be again imprisoned in execution of the same decree. And generally, when the woman has been in jail for a month or so, the husband is somehow induced, either by promise of cohabitation or otherwise, to let her be released—and then there is no way left of enforcing the decree, if the woman still refuses to live with the husband. Seeing the utter helplessness of the Courts to finally enforce matrimonial rights, the women of this district perceive they can give vent to their loose and immoral inclinations at the cost of, at the most, a short imprisonment to which they are utterly callous. Cases relating to women, in both Civil and Criminal Courts, are very frequent in this district, and have been steadily on the increase, especially in Laki-Marwát tahsíl and Miánwáli sub-division, in both of which places the women are notoriously loose in character.

It is a question whether: "The Kazis' Act" (XII of) 1880 could not with advantage be extended to this district. But by section 2 of that Act, proceedings are only taken on an expression of desiring its extension by a considerable number of the Muhammadan inhabitants, and, as far as I am aware, such wish has never been expressed. It is also worthy of consideration whether, as is Pathán custom, a money decree for a sum between Rs. 500 and Rs. 1,000, should be given or not with a decree for custody, this sum to be realised from the person or persons with whom the woman, after leaving her husband, resides. The other cases in Table III call for no remark.

DIVISIONAL JUDGE, PESHAWAR.

(Mr. W. O. Clark.)

As to Peshawar, the increase in suits for immoveable property is very noticeable, both as compared with last year and the average of the previous five years. I think this is due to the approaching Settlement. Where there is a discrepancy between the entries in the revenue papers and the possession on the spot, both parties have been anxious to take advantage of what was in their favour. Parties out of possession and with entries in revenue records in their favour, have sued for possession, giving some false explanation for the defendant being in possession. Parties in possession, but with the entries against them, have sued for decrees declaring their rights. The Settlement coming on has naturally made the people look to their titles and set up their claims, before they are irrevocably lost in a new Settlement.

The District Judge attributes the increase under the different heads to the general increase in institutions.

He notes that suits for the enforcement of matrimonial rights have risen from 19 to 44, and the reason he gives for the rise is that people have discovered the difficulty plaintiffs have in obtaining possession of their wives after a decree has been passed, owing to the unwillingness of Courts to enforce specific restitution. This, he has explained, leads women to keep away from their husbands, instead of settling and compromising, and more husbands therefore are driven to the Courts in hopes of getting back their wives.

DISTRICT JUDGE, HAZARA.

(Mr. E. Inglis.)

I doubt much whether many suitors in Hazára, before they come to *katcheri*, know anything of claims for damages, for declaration of right, or for specific performance. I noticed during two months of last year how criminal petitions under section 494 of the Indian Penal Code, (bigamy) went up. I believe that this was due to the action of one or two petition-writers. As soon as it was seen that these charges under section 494 could not stand, these petitions fell off. I believe it is the same thing with regard to civil plaints. A petition-writer strikes out a new line, and there is accordingly a rise (it may be) in claims for damages or for declaration of right. In 1890 there had been 16 suits for damages, in 1891 there were 26 and in 1892 one only. I believe some such cause as I have mentioned above must have been at work to cause these variations.

Munshi Husain Bakhsh, Sub-Judge, who is also Revenue Assistant, accounts for the increase of 85 suits for immoveable property, by two recent findings of the Chief Court, Nos. 45 of 1891 and 17 of 1892, by which certain suits were held to be cognizable by Civil, instead of by Revenue, Courts. He is of opinion that a further rise in suits of this description may be expected, owing to suits regarding wills being now, by finding No. 41 of 1892, made civil suits.

III.—VALUE AND COST OF SUITS.

DIVISIONAL JUDGE, DELHI.

(Mr. A. W. Stoddon.)

The average value of suits other than those for money or moveable property, appears to have increased in most of the districts and especially so in Rohtak. This result is probably due to the fact that the rules framed under the Suits Valuation Act are beginning to be more fully understood. Formerly the value of land was usually considered to be five times the revenue for the purposes of jurisdiction, as well as for those of the Court Fees Act. Even now some Courts appear to be hardly aware of the fact that the value for purposes of jurisdiction is not identical with that for the purposes of Court fees.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. G. W. Rivaz.)

In Hoshiárpur there has been a large increase in the value of land suits. Suits between Rs. 100 and Rs. 500 in value rose from 243 in 1891 to 522 last year. In Kángra there is an increase in the value of land suits, and a large falling off in the value of money suits.

I must endorse, as regards this Division, the statement made by the Chief Court in the Civil Report for 1891, that the value of 30 times the annual revenue put by the rules framed under the Suits Valuation Act on assessed land, is not generally an approximation of the market value. In the Hoshiárpur district, I am inclined to think that the market value of assessed land is usually at least 50 times the annual revenue, and in most parts of the Kángra district the real value of the land exceeds the value fixed by the rules.

DISTRICT JUDGE, HISSAR.

(Mr. A. Anderson.)

There has been a marked rise in the average value of suits for land assessed to revenue, *viz.*, from Rs. 226 to Rs. 337. The revenue in four tahsíls was raised in 1890-91 by 54 per cent., and this rise in revenue is of course reflected in the rise in valuation, which is in proportion to the revenue paid.

IV.—DETAILS OF DISPOSAL,—DURATION OF CASES AND PENDING FILE

DIVISIONAL JUDGE, LAHORE.

(Colonel C. H. T. Marshall.)

I have noticed in looking through records (especially those of the Native officers) that postponements are much too frequently ordered without regard to the convenience of suitors. In many cases, three, four or more postponements have been made which ought not to be necessary. I have drawn the attention of officers to this and requested them to be more careful in postponing cases, especially when witnesses are present at Court awaiting examination.

DISTRICT JUDGE, LAHORE.

(Mr. W. A. Harris.)

Property was attached before judgment in 114 cases, as compared with 59 in 1891, and 80 in 1890.

As a rule, as stated last year, a plaintiff only applies for attachment before judgment when he has good reasons for believing that the defendant is disposing of his property in order to defeat plaintiff's claim, and Courts are, I believe, careful in satisfying themselves that there are good reasons before granting an order. The stations of Lahore and Mian Mir always contain a comparatively large floating population of employés, and hence it is that the greater proportion of these applications are made to Small Cause Courts.

Such applications are as a rule made in the case of employés, native or Europeans, or non-officials, natives or Europeans, only when there is a certainty of their leaving the station never to return again. In other cases, it is where defendant is disposing of his property in order to prevent the plaintiff from executing the decree that may be passed against him.

DISTRICT JUDGE, HISSAR.

(Mr. A. Anderson.)

I very much doubt the accuracy of the figures showing the number of days the parties had to attend Court. No doubt the average is reduced by *ex-parte* cases, confessions of judgment and compromises. But whenever I have seen any civil files, the number of adjournments is almost invariably considerable.

V.—AGENCY EMPLOYED IN THE DISPOSAL OF SUITS.

DISTRICT JUDGE, DELHI.

(Mr. J. G. M. Rennie.)

It will be seen that, as usual, the Judge of the Small Cause Court and the Munsif disposed of the bulk of the work, but it may be noted that Tahsíldárs performed a large amount of civil work,—especially the Tahsíldár of Delhi,—whose outturn of work, considering the large amount of other work they have to dispose of, is most creditable.

VI—EXECUTION OF DECREES.

DIVISIONAL JUDGE, UMBALLA.

(Mr. G. L. Smith.)

The applications for disposal considerably increased as compared with 1891, and the proceedings wholly infructuous or in which the decree was wholly satisfied proportionately increased, while those in which it was partially satisfied, actually decreased. Realizations (19·2 per cent.) were a shade better than in 1891 (18·0 per cent.) but are still very low, both in the abstract and as compared with the provincial average for 1891 (29 per cent.) The reason assigned by the District Judge for low percentage of realizations, being common to all districts, will not account for the Umballa average being so much below the provincial one. There must be something unsatisfactory in the working to reduce the former some 30 per cent. below the latter.

DISTRICT JUDGE, UMBALLA.

(Mr. A. C. Marshall.)

The figures show no improvement in the working, which is due to a very large percentage of the decrees being against agriculturists, the greater portion of whose property is exempt from attachment, and the remainder, consisting of produce or other property connected with their agricultural pursuits, can, under Chief Court Circular Memo. No. 6—1112G. of 3rd March 1891, only be attached and sold through the Collector, subject to restrictions which he is empowered to exercise. The value realized of the other moveable property belonging to agriculturists attached in the ordinary way, is insignificant in amount.

DIVISIONAL JUDGE, JULLUNDUR.

(Colonel H. Wood.)

The total number of applications for execution last year was 14,577, against 15,351 in 1891, showing a decrease of 774 cases. The total number disposed of was 12,651, as against 13,404, showing a decrease of 753 cases; and the number pending was 1,926, as against 1,947, showing a decrease of only 21 cases. The large decrease in the number of cases disposed of, with scarcely any diminution in the number of pending cases at the close of the year, is a very unsatisfactory feature. The attention of the District Judge was frequently called, during the year, to the extremely unsatisfactory state of execution business in the district, but with little avail, as is shown by the results.

DIVISIONAL JUDGE, HOSHIARPUR.

(Mr. G. W. Rivaz.)

The proportion of cases pending at the end of the year was rather large in both districts, and the averages of duration are too high. In other respects the results are up to the average, and it is satisfactory to find that there has been a substantial increase in the percentage of realizations in money decrees in Hoshiárpur. In both districts there was a considerable falling off in voluntary realizations.

DISTRICT JUDGE, JHANG.

(Kazi Muhammad Aslam.)

The percentage of cases in which satisfaction was obtained in whole or in part, was 41 in 1892. In 1891 the percentage was 48, and in 1890 it was 42. The percentage of realizations fell from 23 in 1891 to 19 in 1892. This low percentage is not a matter of surprise when I find that the district has suffered very severely from failure of crops, especially the past *rabi* crop, and also the dearness of grain, in consequence of which the judgment-debtors were in impoverished circumstances and could not be expected to discharge the decrees.

The number of cases wholly infructuous was 3,193 in 1892, against 2,595 in 1891, showing percentages of 59 and 52 respectively. I must admit that the percentage is very unsatisfactory, but I have already assigned reasons for it, *viz.*, the straitened status of the district. The majority of the population has been subsisting on mere herbs and inferior corn, and naturally they could not afford to satisfy their decree-holders.

DISTRICT JUDGE, JHELUM.

(Mr. W. B. DeCourcy.)

Sanction has been withheld to the sale of land in heavy decrees where the debtor had nothing else to give. Decree-holders do not much fancy the system of farming land in settlement of a decree, nor are farms often allowed by the Revenue authorities as circumstances are against them.

The "Sapurd dár" difficulty continues, but I have been able to have one "Sapurd dár" imprisoned for abusing his trust. Of course the system is wrong, for no man will take charge of property without some inducement. Convenience is not the point at all, and where the only inducement is, as it is here, to oblige a friend, it is quite on the cards that the "Sapurd dár" will turn round in the end and make a difficulty about giving up the property. It is very common for him to be absent on the day the attached property is required for sale, the consequence is very deplorable for the decree-holder and the Court executing the decree; in short, the "Sapurd dár's" conduct throws everything in the Court connected with that case out of gear for the time.

I have a rule under which all such cases are reported to me at once, when I take steps to try and remedy matters as quickly as possible.

DISTRICT JUDGE, SHAHPUR.

(Mr. J. Wilson.)

The details of realizations will appear from the following table:—

	1891.	1892.
(1). Satisfied in full ...	976 or 19 per cent.	696 or 16 per cent.
(2). Ditto in part ...	863 or 17 per cent.	554 or 13 per cent.
(3). Wholly infructuous ...	3,361 or 64 per cent.	3,062 or 71 per cent.

With reference to their value, the results stand as below:—

	1891.	1892.	Difference.
	Rs.	Rs.	Rs.
(1). Amount under execution ...	2,35,964	1,86,374	—49,590
(2). Amount realized	64,459 or 25 per cent. nearly.	45,374 or 25 per cent.	*Nil.*

The above results point to the conclusion that, notwithstanding a prosperous agricultural year, the percentage of wholly infructuous decrees has increased, whilst the percentage of realizations has slightly fallen or remained the same. This is hardly satisfactory, but the result is the necessary consequence of the existing circumstances of judgment-debtors, the majority of whom are the agriculturists, and of the measures calculated to protect them from the severity of the money-lending classes.

VII.—PROCEDURE.

DIVISIONAL JUDGE, RAWALPINDI.

(Colonel W. J. Parker.)

Reference to arbitration has been very sparingly resorted to for the last few years. The District Judge attributes this to a growing distrust of the native gentry who are usually appointed for this purpose, but I think it is more likely to be due to too free a use of the provisions applicable to objections against awards. There is hardly an award made but one or other of the arbitrators is at once accused of bribery by the dissatisfied party, and a sort of summary enquiry is instituted in most Courts to ascertain the truth of the accusation. This is obviously distasteful to the arbitrators and disinclines them to act.

DISTRICT JUDGE, DERA ISMAIL KHAN.

(Mr. H. W. Gee.)

I find that the practice of giving verbal judgments and deferring the writing of them till days after, has by no means died out, and the result has been that when one officer was suddenly obliged to go on leave through illness, he left cases in which a verbal decree had been given of which there was no record. This matter is being reported separately.

VIII—ANY OTHER SUBJECT CONNECTED WITH THE ADMINISTRATION OF CIVIL JUSTICE

DISTRICT JUDGE, DELHI.

(Mr. J. G. M. Rennie.)

I am inclined to think a great deal of fraud is perpetrated by means of suits on stamped balances; far more than by those on bonds. On the whole I am inclined to presume in favour of the genuineness of a bond, but I think there can be no such presumption in the case of stamped balances, at any rate in the case of petty money-lenders. There is absolutely no test that can be applied to them to prove their genuineness, except the general one that a man would be unwilling to run the risk of having his books discredited. Amongst village money-lenders, however, this consideration appears to work feebly. On the other hand, in the case of bonds, certain checks can be applied. In the first place there is the stamp vendor's register containing the name of the purchaser and the date of the purchase. Then the bond is usually written in Urdu character which is not often known to the *baniás*.

DIVISIONAL JUDGE, UMBALLA.

(Mr. G. L. Smith.)

I have been frequently impressed with the hardship, pointed out by the District Judge of Mooltan (*vide* extract at pages xi and xxix of Appendix C, Civil Report for 1891), experienced by those against whom are brought groundless or malicious suits. For such there is no redress beyond recovery of their authorized costs, which quite fails to recoup them for the actual outlay and trouble they have been put to. A defendant is entirely at the mercy of an unscrupulous plaintiff in such cases, and if some measure, such as that suggested by the District Judge, *viz.*, compensation for vexatious and groundless suits, could be devised (such as exists in criminal cases under section 560, Criminal Procedure Code), I think it would be very proper and satisfactory. Some such measure is especially wanted in this country, where malice takes the frequent form of a false claim in Court and where distances are great.

Another point to which my attention has been directed is the hardship caused by section 50, Registration Act, as interpreted by Punjab Record 115 of 1890. This gives priority to a registered deed over an unregistered one of prior date (relating to the same property), though the registration of the latter be optional and the subsequent transferee have notice of the prior encumbrance. So that, as I understand it, if a man sell a house to A for Rs. 99 by unregistered deed of sale on a certain date (the registration being optional), he can again sell it to B on a subsequent date, so long as he registers the subsequent deed, and A's title is defeated, though the sale to him was legal and complete. Similarly, if he had mortgaged the land to A, B would not have to pay off A's mortgage, though B may have had notice of it. If this view of the ruling is correct, it seems to me to cause great hardship to *bonâ fide* transferees, especially amongst ignorant people, who cannot be expected to understand such intricacies of the law. The law, as it stands, appears to me to undermine the foundations of transfer of property, and to shake the confidence of the people in the justice of our laws relating to property.

The *panchayat* system remarked upon last year as existing in Umballa, and as putting the ordinary machinery of the Civil Courts out of gear, has now, I understand, ceased to exist, and apparently therefore affairs are returning to their normal course. This is satisfactory.

It is to be regretted that the District Judge, Umballa, has not offered some remarks on the working of the new system of granting copies (noted in last year's report), to which considerable interest attaches.

I would express my concurrence with the view expressed by Mr. G. Rivaz, District Judge (page xxxvii, Appendix C. Civil Report, 1890), that it is very desirable that the more important customs should be authoritatively laid down and declared by law, this would relieve the people of much useless litigation and the Courts of perplexing and protracted enquiries.

DISTRICT JUDGE, LUDHIANA.

(Mr. G. Lewis.)

In my report for the years 1890 and 1891, I had occasion to remark that as claims supported by oral testimony only were beginning to be viewed with greater suspicion, and as claims on running book accounts were becoming more difficult to prove, suits not supported by formal documents were likely to keep on the decrease. This is borne out by the figures for suits "otherwise than on bonds" for the year under report, they being below those for the preceding year by 290, and below the average number for the four preceding years by 413.

A good deal is said in every report about *sapurd dars*. I have also complained of them in my previous two reports. But, notwithstanding that during the past two years much greater activity has marked the execution work of this district, it is satisfactory to note that *sapurd dars* are beginning to give less trouble. Whenever any of them does not deliver up the property, he is either, if there is satisfactory evidence, sent up for trial to a Magistrate, or otherwise, if a *lambardár*, is reported to the Deputy Commissioner (as suggested by the Chief Court) for admonition on the executive side; and this, I think, has had good effect.

DIVISIONAL JUDGE, JULLUNDUR.

(Colonel H. Wood.)

The frequent changes of officers in the Jullundur district, especially at head quarters—

District Judges	3
Extra Assistant Commissioners	5
Munsifs	3
Total	11

have led to much delay in the disposal of civil suits, especially in the Courts at the Sadr. The relieving officer has often to take over a number of half finished cases and, not unfrequently, has to begin the case again *de novo*. This leads, moreover, to frequent and long adjournments and tends to throw the work into confusion, leading to serious inconvenience both to the Courts and to the litigants.

A recent ruling of the Chief Court (Punjab Record 115 of 1890) has resulted in an increase of suits, in which registered documents relating to immoveable property are brought into competition with unregistered documents relating to the same property. It cannot be said that in all of these cases the registered bonds have been fraudulent and collusive, but in some of them this has undoubtedly been found to be the case: and there is reason to believe that in many cases registered deeds are fraudulent and collusive, in order to defeat *bonâ fide* unregistered alienations.

The numbers of such cases which have come to notice since the above ruling was published are as follows:—

In 1890	1 case.
„ 1891	9 cases.
„ 1892	27

DIVISIONAL JUDGE, KULU.

(Mr. S. Clifford.)

The District Judge's remarks on custom in Kulu are interesting and instructive, as showing that, for Kulu at all events, it would be better to lay down certain fixed rules, which would be gladly accepted by the people in preference to the uncertainty which prevails as to custom, leading in many instances to unnecessary and expensive litigation. My own opinion is that the customs throughout the Punjab might now be codified and embodied in an enactment. The present system under which any custom may be pleaded, leads to numerous false customs being set up, and is a fruitful source of perjury, as well as imposing upon the Courts, already over-burdened with work, the burden of having to record such evidence.

DISTRICT JUDGE, KULU.

(Mr. H. A. Rose.)

Custom in Kulu.—Betrothals.

I have just received a set of rules for betrothals from Mandi, similar to those in force in that State and Suket, and I trust that the people will put these in force; and that thus many disputes as to betrothals will be avoided.

There is no more difficult class of case to try, since registration of betrothals (and of marriages) is not compulsory, though a fairly effective system of registration has been in force since 1869. A contract is often broken off for some reasons which, if pleaded, would justify its non-performance, but most usually the fact of the contract is simply denied *in toto*. There is, accordingly, a good deal of hard swearing in these cases. Very often, too, a contract is all but completed when negotiations are broken off by one side, and the other party in resentment promptly sues alleging its completion. Mr. Diack, in 1888, said: "It would be interesting if a column were added to Statement VIII, showing the number of cases decided by oath or ordeal. Such cases are very common in Kulu, and the return would serve to show how far, if at all, the superstition of the people is being affected by our rule."

It appears to me that a man who offers to accept his opponent's oath is bound by his admission, and the addition of such a column would give interesting information of the number of cases now dealt with in, what appears to me, a manner both legal and expedient. It is noticeable that the parties most frequently resort to an oath in betrothal cases.

Codification.—Cases of succession, maintenance, &c., usually offer no difficulties as far as the enquiry into facts goes, but it is extremely difficult to ascertain the real custom in even the most ordinary type of disputes, *e. g.*, alienation to a daughter's son. The fact is, cases have been decided by many officers, from the Náib-Tahsíldár of Plach to the Assistant Commissioner, and appeals are rarely preferred. Consequently the precedents have become most conflicting, and as in addition many disputes are compromised before decision and many more are not brought into Court at all, it may be said that no custom exists. There are various causes for this. In the first place the people have not yet come to realize that they have absolute ownership in their holdings. Their ideas are still influenced by the Mandi system of "maurúsi" holdings, and hence their notion is to get a decision on the dispute by some Government officer and to abide by it. They have no idea that the decision of a Court is based on law or precedent, and are quite incapable of appreciating the grounds of a judgment. It is in their eyes on the same level as an administrative order based on reason of expediency. A second reason is the want of a definite "village-community" system. The scattered hamlets have no cohesion and, individually, are not formed of actual descendants of a common ancestor. There is in consequence no deep-rooted objection to strangers being received into it, and I believe that the idea of agnatic succession has never been popular in Kulu. Succession through females has left certain traces, and there are quite recent instances of a widow's bastard succeeding to her husband's land. It will be seen that agnatic succession has never been absolutely universal, and no other theory of succession seems to have occupied its place. While, then, in the plains, the desire of the childless proprietor, &c., to defeat the claims of the agnates and to introduce a power of devise more in accordance with civilized ideas, is beset with obstacles, the Kulu *zamíndár* has generally little difficulty in securing his property to a cognate relative, though the Hinduizing Brahmans and the Courts with their precedents from Punjab custom succeed pretty equally in defeating his object in a few instances. It must always, I think, be a question whether our regard for customs, becoming every year more opposed to the common feeling of the people, does not appreciably retard progress, but to apply the general ideas of Punjab Customary Law to Kulu would be to impose a system of succession, &c., with which they have not and probably never had any sympathy. While codification of customary law in the Punjab, then, would have the great advantage of rendering custom uniform, and an inestimable advantage if it improved it, in Kulu codification would establish a custom, and at present it cannot be properly said that custom exists.

DIVISIONAL JUDGE, DERAJAT.

(Mr. A. Christie.)

Nearly all civil reports contain an allusion to the small amount of civil work done by Tahsíldárs and constant instructions are received that they should do more.

The District Judge, who is in charge of the distribution of the work, is in most cases under the immediate orders of the Deputy Commissioner in every other branch of his work, and the Divisional Judge cannot dispute that Tahsíldárs have important executive revenue, and, in many cases, political duties to perform; the nature and extent of which he is unable to estimate. The Deputy Commissioner, on the other hand, regards the Tahsíldár as his own child, to be punished or rewarded as he chooses, without reference to a department in which he has little interest. The result is that Tahsíldárs dispose of a very small share of the civil work of the district. In this Division, and probably in many others, the work which Tahsíldárs might do can without difficulty be made over to Munsifs, but this is scarcely fair either to the Tahsíldárs or to the administration. Tahsíldárs, like Munsifs, look forward to promotion as Extra Assistant Commissioners, and it is important that they should, as Tahsíldárs, have an opportunity for developing their capacity for the higher appointment. A Tahsíldár may be a most efficient officer for collecting supplies, super-

intending the making of roads, planting of trees and other important duties, and yet utterly unable, from want of experience, to decide the simplest case in a satisfactory manner. It is unfair on him that his good executive services should not be rewarded, but it is unfair to the administration that he should be required to decide an intricate civil suit. The most important and, as a rule, the most intricate suits which a Civil Court has to dispose of are those with regard to rights to land and water, other important cases relate to local customs regarding which a Tahsíldár's experience, with a little legal training, is invaluable. No one is so conversant with the devious ways of the *patwári*, and this from long experience I regard as most important. No amount of Financial Commissioner's Circulars will keep a *patwári* straight if it is his interest to be otherwise, and as a very experienced Tahsíldár said to me a short time ago: "If a *patwári* once starts a case, I would defy the Chief Court to get to the bottom of it." The value of all this experience is lost or considerably lessened, if a Tahsíldár has had no judicial experience, and as a rule he is too old to acquire it after appointment as Extra Assistant Commissioner.

DISTRICT JUDGE, DERA ISMAIL KHAN

(Mr. H. W. Gee.)

A point I wish to notice is the checking of Náib-Názirs' accounts. At present the presiding officer is supposed to examine the accounts of his Court every month, but, as a rule, I find that either this is not regularly done, or that merely a few items here and there are examined. Presiding officers cannot, of course, be expected to check every figure in the accounts month by month, but as we necessarily employ inexperienced hands during absences on leave or through illness and the like, I consider it most important that the whole accounts should be gone through from beginning to end once a year. Until this is done, it is quite possible for mistakes and embezzlements to pass unnoticed. I have therefore ordered the Civil Názir to make a tour of all Courts each September and check the Náib-Názirs' accounts for the year from beginning to end. This year there were very few Courts in which mistakes were not found.